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U.S. DISTRICT COURT
N.D. OF ALABAMA

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

KEN McFEETERS, Plaintiff,	
v.	Civil Action No.: 2:26-CV-_____
SCOTT STADTHAGEN, in his official capacity as Chairman of the Alabama Republican Party;	
ALABAMA REPUBLICAN PARTY;	JURY TRIAL DEMANDED
THOMAS HAWLEY TUBERVILLE, individually and in his official capacity as the certified nominee of the Alabama Republican Party for the office of Governor of Alabama; and	
WESLEY HARRISON ALLEN, in his official capacity as Secretary of State of Alabama, Defendants.	

VERIFIED COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF UNDER 42 U.S.C. SECTION 1983 AND THE FIRST AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION

COMES NOW Plaintiff Ken McFeeters, appearing pro se and reserving the right to engage limited-scope representation for depositions and trial on the merits, and files this Verified Complaint against Defendants Scott Stadthagen (in his official capacity as Chairman of the Alabama Republican Party), the Alabama Republican Party (ALGOP), Thomas Hawley Tuberville (individually and in his official capacity as the certified nominee of the Alabama Republican Party for the office of Governor of Alabama), and Wesley Harrison Allen (in his

official capacity as Secretary of State of Alabama). This action seeks declaratory and injunctive relief under 42 U.S.C. Section 1983 and 28 U.S.C. Sections 2201 and 2202, arising under the First and Fourteenth Amendments to the United States Constitution.

INDEPENDENCE FROM PARALLEL STATE ACTION. This action pleads federal constitutional claims under 42 U.S.C. Section 1983, the First and Fourteenth Amendments, and 28 U.S.C. Sections 2201 and 2202 that lie exclusively within the competence of this Court. The pendency of Plaintiff's parallel state-court declaratory action in the Circuit Court of Jefferson County, Alabama (McFeeters v. Tuberville et al., Civil Action No. 01-CV-2026-903312.00), which prosecutes only the state constitutional residency question under Ala. Const. Art. V, Section 117 and state-law judicial estoppel, does not bar this federal action. Plaintiff filed his Verified Complaint in the State Action on July 28, 2026, and e-filed the accompanying 22-exhibit documentary record in three volumes on August 1, 2026 through the AlaFile electronic filing system. The federal claims pleaded herein have never been adjudicated by any state court. Younger v. Harris, 401 U.S. 37 (1971) is inapplicable because Plaintiff is the plaintiff in both forums, not the defendant in any state enforcement or criminal proceeding. Colorado River Water Conservation District v. United States, 424 U.S. 800 (1976) does not warrant abstention because the federal First and Fourteenth Amendment claims raised here are unavailable in the State Action, present substantial questions of federal constitutional law, and fall within Plaintiff's unflagging right under Section 1983 to have his federal claims heard in federal court.

UOCAVA OPERATIONAL DEADLINE AND SINGLE-BALLOT PRINTING CONSTRAINT. The relief Plaintiff seeks is constrained by the operational deadline established by the interaction of federal and state ballot-preparation law. Under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), 52 U.S.C. Section 20302(a)(8)(A), Alabama must

transmit validly requested absentee ballots to uniformed-services voters and overseas voters no later than 45 days before the November 3, 2026 general election, which is September 19, 2026. That transmission deadline is a federal statutory mandate, is enforceable by the United States Department of Justice under 52 U.S.C. Section 20307, and operates with binding force upon Defendant Wesley Harrison Allen in his official capacity as Secretary of State. Alabama's post-2012 UOCAVA consent decree in United States v. Alabama, No. 2:12-cv-179 (M.D. Ala.), places Defendant Allen's office under active federal supervision on UOCAVA timing. Plaintiff does not plead that UOCAVA directly governs the office of Governor of Alabama, which is a state office, and Plaintiff acknowledges that UOCAVA's definition of "Federal office" at 52 U.S.C. Section 20310(3) is limited to President, Vice President, Senator, and Representative. Plaintiff instead pleads that UOCAVA's September 19, 2026 transmission deadline establishes the operative ballot-printing timetable for the entire November 3, 2026 Alabama general-election ballot, including the office of Governor, for the reasons that (i) Alabama prepares, prints, and transmits a single unified general-election ballot listing federal, state, and local races on one document, as required by Ala. Code Sections 17-6-20, 17-6-25, and 17-6-27, and does not prepare or transmit a partial ballot; (ii) UOCAVA-eligible voters receive that same unified ballot, which necessarily must include every certified candidate for every race on the November 3, 2026 ballot; (iii) the ballot-printing pipeline required to meet the September 19, 2026 UOCAVA transmission deadline requires finalization of the certified candidate list, transmission to the state ballot printer, printing and proofing typically requiring five to ten business days, and distribution to all 67 Alabama county election officials for onward transmission to individual UOCAVA voters, all of which places the operational drop-dead date for a final certified candidate list on or about September 4, 2026 through September 9, 2026; and

(iv) Alabama's own election-code architecture, including the August 24, 2026 71-day pre-election deadline established by Ala. Code Section 17-6-21(b) and the August 19, 2026 76-day statutory substitution deadline established by Ala. Code Section 17-13-23, is calibrated backward from the September 19, 2026 UOCAVA transmission deadline. Any procedural mechanism, whether abstention, certification to the Alabama Supreme Court, continuance, or extended briefing, that pushes the operative federal equitable remedy past on or about September 4 through 9, 2026 does not defer the federal constitutional questions pleaded herein; it moots them. Feldman v. Arizona Secretary of State's Office, 843 F.3d 366, 386-91 (9th Cir. 2016) (en banc); Democratic National Committee v. Bostelmann, 447 F. Supp. 3d 757, 768-70 (W.D. Wis. 2020); Purcell v. Gonzalez, 549 U.S. 1, 4-5 (2006); Republican National Committee v. Democratic National Committee, 589 U.S. 423, 424-25 (2020) (per curiam).

INDEPENDENT FEDERAL JURISDICTION OVER THE ARTICLE V, SECTION 117 PREDICATE. This Court has original federal-question jurisdiction under 28 U.S.C. Sections 1331 and 1343(a)(3) over the federal constitutional claims pleaded herein under 42 U.S.C. Section 1983, the First and Fourteenth Amendments to the United States Constitution, and 28 U.S.C. Sections 2201 and 2202. That jurisdiction does not depend on any prior or contemporaneous ruling by any state court on the eligibility of Defendant Thomas Hawley Tuberville under Article V, Section 117 of the Alabama Constitution. Where a federal constitutional claim brought under Section 1983 depends for its resolution on a predicate question of state law, the federal court has full and independent authority to decide that state-law predicate, and does not abstain or certify unless the state-law question is both genuinely unsettled and dispositive of the federal controversy. Anderson v. Celebrezze, 460 U.S. 780 (1983); Storer v. Brown, 415 U.S. 724 (1974); Chimento v. Stark, 353 F. Supp. 1211 (D.N.H.),

aff'd, 414 U.S. 802 (1973); Sununu v. Stark, 383 F. Supp. 1287 (D.N.H. 1974), aff'd, 420 U.S. 958 (1975). The requirement of Article V, Section 117 that a candidate for Governor "shall have been a citizen and resident of this state at least seven years next preceding his election" is neither unsettled nor incapable of resolution by this Court. Its analytical framework, requiring physical presence in Alabama combined with the intent to remain in Alabama as one's permanent home during the seven years preceding the election, has been applied consistently by the Alabama Supreme Court for over a century, and its application to the facts of this case is demonstrated by the extensive documentary record of Defendant Tuberville's Florida homestead exemption for tax year 2018, active Florida voter registration from May 24, 2017 through March 20, 2020, active Florida driver license through February 20, 2023, the Georgia Secretary of State corporate record for BYVW 211, LLC (the entity that held the Old Beach Road Florida parcel from 2004 through 2012), retention of the Lee County, Alabama Cherry Street parcel in the names of his son and spouse rather than his own name from 2017 through May 7, 2024, and post-2018 residency in Walton County, Florida, pleaded in Paragraphs 21 through 34 below and verified in the 22-exhibit documentary record incorporated by reference from the parallel State Action. Nor is any state-law element of the Article V, Section 117 predicate unsettled within the meaning of the Pullman abstention doctrine. The physical-presence-plus-intent framework for determining Alabama domicile has been articulated and consistently applied by the Alabama Supreme Court for over a century. Merrill's Heirs v. Morrissett, 76 Ala. 433 (1884); Mitchell v. Kinney, 242 Ala. 196, 5 So. 2d 788, 793 (1942) ("Domicile is defined as residence at a particular place accompanied by an intention to remain there permanently, or for an indefinite length of time."); Ex parte Weissinger, 247 Ala. 113, 22 So. 2d 510 (1945) ("A person's domicile is that place in which his habitation is fixed, without any present intention of removing, and it embraces (1) the

fact of residence and (2) the intention to remain."); Jacobs v. Ryals, 401 So. 2d 776, 778 (Ala. 1981) (domicile once acquired is presumed to continue; change requires both abandonment of former domicile and establishment of new domicile, with the burden on the party asserting change); Nora v. Nora, 494 So. 2d 16, 17 (Ala. 1986) ("Domicile is defined as residence at a particular place accompanied by an intention to stay there permanently, or for an indefinite length of time. A person's domicile continues until a new one is acquired."). Certification of the Article V, Section 117 question to the Alabama Supreme Court under Ala. R. App. P. 18 would be inappropriate for the additional and independent reason that the Rule contains no expedited-track guarantee, and any certification schedule that pushes the operative federal equitable remedy past the September 4 through 9, 2026 operational drop-dead date established in the UOCAVA Operational Deadline paragraph above does not defer the federal constitutional questions pleaded herein; it moots them. Sprint Communications, Inc. v. Jacobs, 571 U.S. 69, 77-78 (2013); Purcell v. Gonzalez, 549 U.S. 1, 4-5 (2006).

ENGLAND RESERVATION AND PRESERVATION OF FEDERAL FORUM. Plaintiff expressly reserves, under England v. Louisiana State Board of Medical Examiners, 375 U.S. 411 (1964), and its progeny, the right to litigate in this federal forum every federal constitutional claim pleaded herein and every embedded state-law predicate question necessary to the resolution of those federal claims, including but not limited to Defendant Tuberville's eligibility under Article V, Section 117 of the Alabama Constitution. Plaintiff filed the parallel State Action, McFeeters v. Tuberville et al., Civil Action No. 01-CV-2026-903312.00, on July 28, 2026 in the Circuit Court of Jefferson County, Alabama, Birmingham Division, to secure a state-court declaratory judgment on Article V, Section 117 residency and state-law judicial estoppel, and to secure state-law injunctive relief against the ministerial certification of an

ineligible candidate. Plaintiff files the present federal action to secure the federal equitable remedy that lies exclusively within this Court's competence under 42 U.S.C. Section 1983 and the First and Fourteenth Amendments. No ruling in the State Action, whether on the merits or on any procedural ground including but not limited to standing, ripeness, mootness, prematurity, prudential doctrines, state-law exhaustion, or state-law abstention, shall preclude this Court from adjudicating the federal claims pleaded herein or from deciding, as a predicate to those federal claims, the Article V, Section 117 residency question. Plaintiff has neither submitted to the State Action, nor invited the State Action to render, any adjudication that would have preclusive effect on the federal claims pleaded in this Court under Section 1983. Government and Civic Employees Organizing Committee v. Windsor, 353 U.S. 364, 365-66 (1957); England, 375 U.S. at 421-22; San Remo Hotel, L.P. v. City & County of San Francisco, 545 U.S. 323, 338-40 (2005).

FEDERAL REMEDY NOT CONDITIONED ON PRIOR STATE-COURT RULING; ALTERNATIVE PLEADING. Plaintiff pleads the federal claims herein in the alternative to and independent of any ruling by the state court in the parallel State Action. Should the state court in the State Action decline to reach the merits of the Article V, Section 117 residency question for any reason, whether on grounds of standing, ripeness, mootness, prematurity, exhaustion, abstention, prudential doctrine, procedural default, or dismissal without prejudice, this Court retains full authority to decide the Article V, Section 117 residency question as a predicate to the federal claims pleaded herein, on the ground that (i) the federal court has independent jurisdiction under 28 U.S.C. Sections 1331 and 1343(a)(3) over the Section 1983 claims and the state-law predicates embedded within them, as pleaded in the Independent Federal Jurisdiction paragraph above; (ii) Plaintiff has expressly reserved the federal forum for the federal claims and

the embedded state-law predicates under the England Reservation paragraph above; and (iii) the operational drop-dead date established under the UOCAVA Operational Deadline paragraph above leaves no procedurally viable alternative to federal-court adjudication of the Article V, Section 117 predicate in the event the state court does not reach the merits. In the further alternative, should the state court in the State Action rule on the merits of the Article V, Section 117 residency question in Plaintiff's favor, this Court is not required to redecide that predicate and may accept the state-court merits ruling as conclusive of the predicate. In no event does the pendency, continuance, dismissal, or merits ruling in the State Action defeat this Court's jurisdiction over the federal Section 1983 claims and the federal equitable remedy pleaded in the FEDERAL AUTHORITY AND EQUITABLE REMEDY UNDER SECTION 1983 paragraph below, in Paragraph 44 below, and in Paragraphs A through E of the Prayer for Relief.

FEDERAL AUTHORITY AND EQUITABLE REMEDY UNDER 42 U.S.C. SECTION 1983. This action does not ask this Court to construe any Alabama election statute in the first instance, and it does not ask this Court to predict how the Alabama Supreme Court would construe Ala. Code Sections 17-6-21, 17-13-19, or 17-13-23. This action asks this Court to exercise the ordinary and settled equitable authority conferred by 42 U.S.C. Section 1983 to remedy an antecedent federal constitutional violation committed by state actors, and to enter the single equitable remedy that vindicates that violation without requiring any further judicial interpretation of Alabama law. Section 1983 authorizes suits in equity against state actors for the deprivation of federal constitutional rights, and empowers federal courts to grant prospective injunctive relief against state officers acting under color of state law. Ex parte Young, 209 U.S. 123, 155-56 (1908); Mitchum v. Foster, 407 U.S. 225, 242 (1972); Monroe v. Pape, 365 U.S. 167, 183 (1961); Owen v. City of Independence, 445 U.S. 622, 651 (1980). Once a federal

constitutional right and a violation have been shown, the scope of a district court's equitable authority to remedy the violation is broad, for breadth and flexibility are inherent in equitable remedies. Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1, 15 (1971); Milliken v. Bradley, 433 U.S. 267, 280-81 (1977); Hutto v. Finney, 437 U.S. 678, 687 n.9 (1978). A state actor may not invoke a discretionary state-law power to compound its own antecedent federal constitutional violation, and a state statute whose operation would prevent the remediation of a federal constitutional violation must yield to the federal remedy. North Carolina State Board of Education v. Swann, 402 U.S. 43, 45-46 (1971); Cooper v. Aaron, 358 U.S. 1, 17-18 (1958). Plaintiff pleads that Defendants Alabama Republican Party and Stadthagen committed the antecedent federal constitutional violation described in Paragraphs 35 through 43 below by conducting a structurally infirm June 14, 2026 evidentiary hearing and by affirmatively clearing a constitutionally ineligible candidate. Plaintiff further pleads that the equitable remedy fashioned by this Court under Section 1983 must not permit those same state actors now to invoke the discretionary substitution power reserved to them under Ala. Code Section 17-13-23 to select a replacement candidate and thereby compound the constitutional violation, and must not apply Ala. Code Section 17-6-21(b)'s default rule so as to disenfranchise approximately 493,000 Republican primary voters as the direct consequence of that same violation. On the pleaded facts, the single remedy that vindicates the constitutional violation without compounding it, without disenfranchising the primary electorate, and without requiring this Court to construe any unsettled question of Alabama law is the certification of the runner-up in the May 19, 2026 Alabama Republican Primary Election, Plaintiff Ken McFeeters, as the Alabama Republican Party nominee for the office of Governor of Alabama for placement on the November 3, 2026 General Election ballot. That remedy is the simplest available on the pleaded

facts, requires no interpretive or interventional step by this Court beyond ordering the certification consistent with the actual vote of the May 19, 2026 primary, and preserves the fairness of the perception of the remedy at the entry of final judgment by leaving the electoral choice with the primary electorate rather than with the state actor whose constitutional violation is the subject of this action. This Court's equitable authority to enter that remedy is not defeated by the passage of the August 19, 2026 administrative substitution deadline under Ala. Code Section 17-13-23. The federal remedy is measured by the September 19, 2026 UOCAVA 45-day ballot-transmission deadline and by the actual date on which the general-election ballot for the November 3, 2026 General Election is printed and distributed, both of which post-date the August 19, 2026 state administrative deadline. This Court retains full authority to fashion the equitable remedy at any point before the general-election ballot has been printed and distributed. Storer v. Brown, 415 U.S. 724, 737 n.8 (1974); Moore v. Ogilvie, 394 U.S. 814, 816 (1969); Norman v. Reed, 502 U.S. 279, 287-88 (1992).

PULLMAN, YOUNGER, AND COLORADO RIVER ABSTENTION ARE UNAVAILABLE. No form of abstention warrants withholding federal jurisdiction over the Section 1983 equitable-remedy claims pleaded herein. First, Pullman abstention, Railroad Commission of Texas v. Pullman Co., 312 U.S. 496 (1941), is inapplicable because the federal remedy Plaintiff seeks under 42 U.S.C. Section 1983 does not turn on any unsettled construction of Alabama law. Plaintiff does not ask this Court to construe Ala. Code Section 17-13-23 in the first instance, and does not ask this Court to predict how the Alabama Supreme Court would construe that statute. Plaintiff instead asks this Court to exercise its independent federal equitable authority under 42 U.S.C. Section 1983 to remedy federal constitutional violations, an authority that neither depends on nor requires resolution of any Alabama statutory ambiguity.

Where the federal claim does not turn on an unsettled state-law question, Pullman abstention is unavailable as a matter of law. Harman v. Forssenius, 380 U.S. 528, 534-535 (1965); Hawaii Housing Authority v. Midkiff, 467 U.S. 229, 236-37 (1984); Siegel v. LePore, 234 F.3d 1163, 1174 (11th Cir. 2000) (en banc) (Pullman abstention disfavored in election cases where abstention-induced delay would itself cause irreparable First and Fourteenth Amendment injury). The Article V, Section 117 residency framework has been settled Alabama law for over a century, Merrill's Heirs v. Morrissett, 76 Ala. 433 (1884); Mitchell v. Kinney, 242 Ala. 196, 5 So. 2d 788, 793 (1942); Ex parte Weissinger, 247 Ala. 113, 22 So. 2d 510 (1945); Jacobs v. Ryals, 401 So. 2d 776, 778 (Ala. 1981); Nora v. Nora, 494 So. 2d 16, 17 (Ala. 1986), and is not an unsettled construction question of the kind Pullman contemplates. Second, Younger abstention, Younger v. Harris, 401 U.S. 37 (1971), is inapplicable because Plaintiff is the plaintiff in both forums and because the parallel State Action fits none of the three exclusive categories the Supreme Court identified in Sprint Communications, Inc. v. Jacobs, 571 U.S. 69, 72-73, 78-79 (2013). The State Action is a private civil declaratory-judgment action initiated by Plaintiff himself, not a state criminal prosecution, not a state civil enforcement action akin to a criminal prosecution, and not a proceeding uniquely in furtherance of the state courts' judicial functions. New Orleans Public Service, Inc. v. Council of the City of New Orleans, 491 U.S. 350, 367-68 (1989). Third, Colorado River abstention, Colorado River Water Conservation District v. United States, 424 U.S. 800 (1976), is inapplicable because the federal First and Fourteenth Amendment claims pleaded herein under 42 U.S.C. Section 1983 are unavailable in the State Action, because the federal forum offers a Section 1983 equitable remedy not available in the state forum, because Plaintiff has an unflagging obligation and right under Section 1983 to have his federal claims heard in federal court, and because the six-factor Moses H. Cone analysis

does not support the exceptional-circumstances showing required in this Circuit. Moses H. Cone Memorial Hospital v. Mercury Construction Corp., 460 U.S. 1, 15-16, 25-26 (1983); Ambrosia Coal & Construction Co. v. Pages Morales, 368 F.3d 1320, 1331-33 (11th Cir. 2004). Fourth, no certification procedure to the Alabama Supreme Court is compatible with the September 4 through 9, 2026 operational drop-dead date established under the UOCAVA Operational Deadline paragraph above. Alabama Rule of Appellate Procedure 18 permits certification only from a United States court on a determinative question of Alabama law; the compressed pre-election timeline forecloses meaningful state-court resolution before the constitutional injuries pleaded herein become irreparable, and Purcell v. Gonzalez, 549 U.S. 1, 4-5 (2006), and Republican National Committee v. Democratic National Committee, 589 U.S. 423, 424-25 (2020) (per curiam), independently counsel against any procedural mechanism that would push the operative federal equitable remedy past the operational drop-dead date. Fifth, Plaintiff's federal claims arise independently under 42 U.S.C. Section 1983 and are not derivative of any state-statute construction; the federal claims survive on Section 1983 equitable-remedy grounds and on Anderson-Burdick grounds regardless of whether any Alabama statute is construed in any particular way by any state court.

DOCTRINE OF NECESSITY AND ABSENCE OF ADEQUATE STATE-COURT REMEDY. Even a favorable state-court ruling on Article V, Section 117 cannot deliver the federal remedy pleaded herein. The declaratory and injunctive relief Plaintiff seeks under 42 U.S.C. Section 1983 runs directly against Defendant Allen in his official capacity as Alabama Secretary of State and requires compliance with federal constitutional obligations that no state-court order can compel. Ex parte Young, 209 U.S. 123 (1908); Cooper v. Aaron, 358 U.S. 1, 18 (1958). A state court sitting in equity under Alabama law cannot enter the federal Section 1983

remedy Plaintiff seeks. The Article V, Section 117 predicate is a necessary but not sufficient element of the federal claim; federal jurisdiction over the federal remedy is independent, and abstention predicated on the availability of state-court relief is unavailable because no state-court remedy can reach the federal officer-liability question presented.

ROOKER-FELDMAN FORECLOSURE. The Rooker-Feldman doctrine does not bar this action. Rooker-Feldman is confined to "cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments." Exxon Mobil Corp. v. Saudi Basic Indus. Corp., 544 U.S. 280, 291-93 (2005). The State Action has produced no final judgment. Plaintiff does not seek review or rejection of any state-court judgment. Plaintiff seeks independent federal relief on federal constitutional claims that are alternative to and independent of any state-court ruling. Rooker-Feldman is therefore inapplicable.

INCORPORATION BY REFERENCE OF STATE-COURT EXHIBIT BINDER. The factual allegations in Paragraphs 21 through 43 below are supported by a 22-exhibit documentary record that Plaintiff filed contemporaneously with his Verified Complaint in the parallel state action, McFeeters v. Tuberville et al., Case No. 01-CV-2026-903312.00, Circuit Court of Jefferson County, Alabama, Birmingham Division, Hon. Chuck Price presiding (the "State Action"). That exhibit record was e-filed in three volumes on August 1, 2026 through the AlaFile electronic filing system: (a) Exhibit Binder Part 1 of 3 (Exhibits 1 through 11), (b) Exhibit Binder Part 2 of 3 (Exhibits 12 through 19), and (c) Exhibit Binder Part 3 of 3 (Exhibits 20 through 22). Each of the 22 exhibits consists of certified copies of public records, official state and county government records, or authenticated court and administrative records, drawn from the Lee County Alabama Probate and Revenue Commissioner offices, the Walton County

Florida Clerk of Court and Property Appraiser, the Alabama Secretary of State, the Alabama Department of Revenue, the Florida Department of State Division of Elections, the Florida Department of Highway Safety and Motor Vehicles, the Florida Department of Business and Professional Regulation; the Georgia Secretary of State, the Circuit Court of Montgomery County, Alabama, and the certified transcript of the June 14, 2026 Alabama Republican Party State Executive Committee evidentiary hearing prepared by Gail B. Pritchett, RPR/CRR, of Birmingham Reporting Service. Plaintiff hereby adopts and incorporates each of the 22 exhibits by reference into this Verified Complaint pursuant to Federal Rule of Civil Procedure 10(c) (a statement in a pleading may be adopted by reference elsewhere in the same pleading or in any other pleading or motion, and a copy of a written instrument that is an exhibit to a pleading is a part of the pleading for all purposes). Plaintiff further requests that this Court take judicial notice of each of the 22 exhibits pursuant to Federal Rule of Evidence 201(b)(2) as adjudicative facts capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned, namely the official records of the state and county public offices identified above and the publicly filed record of the State Action, accessible through the AlaFile system. The public records comprising the exhibits are self-authenticating under Federal Rules of Evidence 902(1) and 902(4) and fall within the hearsay exception for public records under Federal Rule of Evidence 803(8). See Universal Express, Inc. v. SEC, 177 F. App'x 52, 53 (11th Cir. 2006) (courts may take judicial notice of publicly filed documents in related litigation); Bryant v. Avado Brands, Inc., 187 F.3d 1271, 1278 (11th Cir. 1999) (public documents may be considered without converting a motion to dismiss into a motion for summary judgment); United States v. Jones, 29 F.3d 1549, 1553 (11th Cir. 1994) (public records generally subject to judicial notice). To conserve the Court's resources and avoid duplicative filing, Plaintiff does not attach

paper copies of the 22 exhibits to this federal Verified Complaint; the exhibits are publicly accessible on the AlaFile docket of the State Action, and Plaintiff will produce complete hard-copy sets to this Court and to any party upon Order or upon request. Individual exhibit references in the paragraphs that follow are shorthand for the corresponding exhibit within the three-part State Action exhibit binder incorporated by reference under this Paragraph.

The essence of this action is the protection of the associational and voting rights of approximately 493,000 Republican primary voters, and of Plaintiff as a defeated primary candidate, from state action that would place on the November 3, 2026 General Election ballot a candidate for Governor of Alabama who is constitutionally ineligible under the seven-year residency requirement of Article V, Section 117 of the Alabama Constitution. Defendant Tuberville has, since 2017, executed a documented pattern of sworn residency declarations that are internally contradictory and legally impossible. In tax year 2018, Defendant Tuberville and his spouse simultaneously claimed a Florida homestead exemption on their Gulf-front Walton County residence (a sworn declaration of Florida permanent residence on January 1, 2018) and an Alabama H1 regular homestead exemption on their Auburn residence (a sworn declaration of Alabama primary residence on October 1, 2018). Defendant Tuberville personally benefited from both the Florida homestead exemption on the Walton County residence and the Alabama H1 regular homestead exemption on the Cherry Street parcel in tax year 2018. Defendant Tuberville remained an active Florida registered voter through March 20, 2020, voted by mail in the November 6, 2018 Florida General Election, and held an active Florida driver license through February 20, 2023. Only after his May 27, 2025 gubernatorial announcement did the Alabama H1 exemption on the Auburn parcel flip to a senior H4 exemption on November 14,

2025 in Defendant Tuberville's own name, the first sworn primary-residence certification he had ever personally signed on that parcel.

This Complaint pleads four federal claims arising exclusively under 42 U.S.C. Section 1983, the First and Fourteenth Amendments to the United States Constitution, and 28 U.S.C. Sections 2201 and 2202. Count I alleges, under 42 U.S.C. Section 1983 and the Due Process Clause of the Fourteenth Amendment, that Defendant Allen's threatened certification of a constitutionally ineligible candidate deprives Plaintiff and other Alabama voters of a fundamental liberty interest in a lawful ballot. Count II alleges, under 42 U.S.C. Section 1983 and the Equal Protection Clause of the Fourteenth Amendment, that Defendant Allen's differential treatment of similarly-situated candidates dilutes Plaintiff's vote and burdens Plaintiff's competitive standing. Count III alleges, under 42 U.S.C. Section 1983 and the First and Fourteenth Amendments (the Anderson-Burdick framework), that the course of conduct pleaded herein severely burdens the associational rights of approximately 493,000 Republican primary voters and Plaintiff as a defeated primary candidate, and that the antecedent constitutional violations committed by Defendants Alabama Republican Party and Stadthagen at the June 14, 2026 hearing described in Paragraphs 35 through 43 below foreclose, as a matter of federal equitable-remedy law under Section 1983, any remedy other than certification of the runner-up in the May 19, 2026 primary. Count IV seeks a federal declaratory judgment under 28 U.S.C. Sections 2201 and 2202 consolidating the foregoing legal conclusions in a single decree. Plaintiff also seeks temporary, preliminary, and permanent injunctive relief in aid of the declaratory judgment; attorney fees and costs under 42 U.S.C. Section 1988; and such other relief as the Court deems just and proper.

PARTIES

1. Plaintiff Ken McFeeters is a citizen of the United States, a citizen and resident of the State of Alabama, a resident of Shelby County, Alabama, with his place of business in Jefferson County, Alabama, a registered Republican voter in Shelby County, and was a candidate in the May 19, 2026 Alabama Republican Primary Election for the Office of Governor. Plaintiff finished second in that primary, receiving the second-highest vote total among Republican candidates and defeating every candidate except Defendant Tuberville. Approximately 493,000 Alabama Republican voters cast ballots in the May 19, 2026 primary election, representing approximately 57% of the 879,785 total ballots cast statewide, as reported by the Alabama Secretary of State. Plaintiff has been actively engaged in Alabama Republican Party politics for the period relevant to this action.

1A. The factual assertions in Paragraph 1 concerning Plaintiff's citizenship, residency, voter-registration status, candidacy in the May 19, 2026 Alabama Republican Primary Election, and second-place finish in that primary are based on Plaintiff's personal knowledge, are true and correct, and are further supported by the certified May 19, 2026 primary results published by the Alabama Secretary of State and by Plaintiff's Shelby County, Alabama voter-registration record. Plaintiff verifies these facts personally and incorporates them into the sworn verification following the Prayer for Relief.

2. Defendant Scott Stadthagen ("Defendant Stadthagen") is, and at all times relevant to the June 14, 2026 hearing described below has been, the Chairman of the Alabama Republican Party. Defendant Stadthagen was elected ALGOP Chairman on March 7, 2026, following the January 23, 2026 resignation of former Chairman John Wahl. Defendant Stadthagen is sued in his official capacity as ALGOP Chairman and in his official capacity as the Hearing Officer who

presided over the June 14, 2026 Alabama Republican Party evidentiary hearing described in Paragraphs 35 through 43 below. Under Ala. Code Section 17-13-19 and the ALGOP Bylaws, Defendant Stadthagen is the official who signs and transmits to Defendant Allen the party's Certification of Nomination for placement of candidates on the November 3, 2026 General Election ballot. Defendant Stadthagen conducts his official duties as ALGOP Chairman from ALGOP offices in Jefferson County, Alabama.

3. Defendant Alabama Republican Party ("ALGOP") is a political party organized under the laws of the State of Alabama and recognized as a political party by Defendant Allen for purposes of Chapter 13 of Title 17 of the Alabama Code. ALGOP conducted the May 19, 2026 Republican Primary Election pursuant to Ala. Code Section 17-13-1 et seq., and has represented itself as the entity with authority to certify a Republican nominee for the office of Governor of Alabama to Defendant Allen for the November 3, 2026 General Election. ALGOP maintains its principal office at 3505 Lorna Road, Hoover, Jefferson County, Alabama.

4. Defendant Thomas Hawley Tuberville ("Tuberville" or "Defendant Tuberville") is an individual who was declared the apparent winner of the May 19, 2026 Alabama Republican Primary Election for Governor of Alabama, and who has been certified by the Alabama Republican Party as its nominee for that office at the November 3, 2026 General Election. Defendant Tuberville is sued individually and in his official capacity as the certified nominee of the Alabama Republican Party for the office of Governor. Defendant Tuberville is a United States Senator representing the State of Alabama since January 3, 2021, and identifies his Alabama residence of record as 379 Cherry Street, Auburn, Alabama 36830. Upon information and belief, Defendant Tuberville also owns or controls, directly or through the POB Revocable

Trust of which his spouse Suzanne Marie Tuberville is Trustee, at least two residential parcels in Walton County, Florida.

5. Defendant Wesley Harrison Allen ("Defendant Allen") is the Secretary of State of Alabama, elected to that office in November 2022 and having taken the constitutional oath of office in January 2023. Defendant Allen is sued in his official capacity. Defendant Allen is the chief elections official of the State of Alabama pursuant to Ala. Code Section 17-1-3, and holds ministerial authority under Ala. Code Sections 17-6-21 and 17-9-3 to certify candidates for placement on the general election ballot, to accept or reject Certifications of Nomination submitted by political parties, and to prepare and print the general election ballot. Defendant Allen maintains his official office in Montgomery County, Alabama, and administers elections statewide, including in Jefferson County, Alabama.

JURISDICTION AND VENUE

6. This Court has original subject-matter jurisdiction under 28 U.S.C. Section 1331 because this action arises under the Constitution and laws of the United States, including the First and Fourteenth Amendments and 42 U.S.C. Section 1983.

7. This Court also has jurisdiction under 28 U.S.C. Section 1343(a)(3) and (4) because Plaintiff seeks to redress the deprivation, under color of state law, of rights, privileges, and immunities secured by the Constitution of the United States and by Acts of Congress providing for equal rights of citizens and the elective franchise.

8. This Court has authority to grant declaratory relief pursuant to 28 U.S.C. Sections 2201 and 2202, and Rule 57 of the Federal Rules of Civil Procedure, and to grant injunctive relief pursuant to 28 U.S.C. Section 1343(a)(3) and Rule 65 of the Federal Rules of Civil

Procedure. This Court has authority to award attorney fees and costs under 42 U.S.C. Section 1988.

9. Venue is proper in this Court under 28 U.S.C. Section 1391(b)(1) and (b)(2). Defendant ALGOP maintains its principal office in Jefferson County, Alabama, and Defendant Stadthagen conducts his official duties as ALGOP Chairman in Jefferson County, Alabama, and both Defendants therefore reside in Jefferson County within the meaning of 28 U.S.C. Section 1391(b)(1). A substantial part of the events or omissions giving rise to Plaintiff's claims occurred in Jefferson County, including the conduct of the June 14, 2026 Alabama Republican Party evidentiary hearing described below, which was held in the law offices of Balch and Bingham LLP in Birmingham, and the transmittal of the ALGOP Certification of Nomination from ALGOP offices in Jefferson County to Defendant Allen. Plaintiff resides in Shelby County, with his place of business in Jefferson County, and votes in Shelby County. Defendant Allen's ministerial acts of certification, though performed in Montgomery County, have their intended and inevitable statewide effect in Jefferson County, where Plaintiff maintains his place of business, and in Shelby County, where Plaintiff resides and votes.

10. Venue is proper in the Southern Division of the Northern District of Alabama under 28 U.S.C. Section 81(a)(3), which provides that the Southern Division of the Northern District of Alabama comprises the counties of Blount, Jefferson, and Shelby, with court held at Birmingham. Plaintiff resides in Shelby County and maintains his place of business in Jefferson County, ALGOP maintains its principal office in Jefferson County, and Defendant Stadthagen conducts his official duties as ALGOP Chairman in Jefferson County, all of which lie within the Southern Division. Shelby County is expressly included within the Southern Division of the

Northern District of Alabama under 28 U.S.C. Section 81(a)(3), and Plaintiff, as a resident and registered voter of Shelby County, resides within the Division.

11. There is no adequate remedy at law. The constitutional injuries pleaded herein are inherently prospective and non-monetary, and cannot be remedied by damages. Only declaratory and injunctive relief can prevent the deprivation of Plaintiff's and the primary electorate's First and Fourteenth Amendment rights.

12. Sovereign immunity is not a bar to this action. Plaintiff seeks only prospective declaratory and injunctive relief against Defendant Allen and Defendant Stadthagen in their official capacities to prevent ongoing and threatened violations of the United States Constitution. Such relief is expressly authorized by the doctrine of Ex parte Young, 209 U.S. 123 (1908), and its progeny. The Eleventh Amendment is not implicated as to Defendants Alabama Republican Party and Thomas Hawley Tuberville, neither of whom is an arm of the State of Alabama within the meaning of Edelman v. Jordan, 415 U.S. 651 (1974), and Regents of the University of California v. Doe, 519 U.S. 425 (1997), and both of whom are subject to suit as private parties acting under color of state law for purposes of 42 U.S.C. Section 1983 and 28 U.S.C. Sections 2201 and 2202.

STANDING

13. Plaintiff has Article III standing to prosecute each of the claims pleaded herein. Plaintiff's standing rests on three independent bases, each of which is sufficient standing alone.

14. First, Plaintiff has standing as a defeated primary candidate whose competitive standing in the May 19, 2026 Alabama Republican Primary Election was, and continues to be,

injured by the participation and certification of a constitutionally ineligible candidate. The Supreme Court of the United States has recently and categorically held that a candidate for office has Article III standing to challenge the rules governing elections in which the candidate participates. Bost v. Illinois State Board of Elections, 607 U.S. ___, No. 24-568 (Jan. 14, 2026) (holding that "a candidate has a personal stake in the rules that govern the counting of votes in his election," and that candidates have "a concrete and particularized interest in the rules that govern the counting of votes in their elections, regardless whether those rules harm their electoral prospects or increase the cost of their campaigns"). The reasoning of Bost applies a fortiori to a defeated primary candidate challenging the constitutional eligibility of the apparent primary winner: if a candidate has standing to challenge the mere counting rules of an election, he necessarily has standing to challenge the fundamental question of whether the declared winner is even constitutionally eligible to appear on the general election ballot.

14A. Plaintiff's competitive standing is independently established under the competitor-standing doctrine developed in the D.C. Circuit and applied by the Supreme Court and every regional Circuit that has considered the question. The doctrine recognizes that a candidate or competitor suffers a cognizable Article III injury when a governmental actor confers on a rival an unlawful competitive advantage or removes a legal barrier that would otherwise exclude the rival from the same competitive field. Shays v. FEC, 414 F.3d 76, 85-87 (D.C. Cir. 2005) (defeated candidate has standing to challenge FEC rules that disadvantage his future candidacy by relaxing enforcement against his opponents); Shays v. FEC, 528 F.3d 914, 923 (D.C. Cir. 2008) (reaffirming competitor standing where challenged agency action removes constraints on the opponent's conduct in the same election cycle); LaRoque v. Holder, 650 F.3d 777, 783-84 (D.C. Cir. 2011) (competitor standing where governmental action gives the plaintiff's

competitor a legally impermissible advantage); Sherley v. Sebelius, 610 F.3d 69, 72-74 (D.C. Cir. 2010) (recognizing that a competitor suffers Article III injury when a government actor lifts a legal restriction on a rival, and holding that increased competition is itself the injury). The Supreme Court has ratified the doctrinal framework in Association of Data Processing Service Organizations, Inc. v. Camp, 397 U.S. 150, 152-54 (1970), and Clarke v. Securities Industry Ass'n, 479 U.S. 388, 403-04 (1987). The Eleventh Circuit has independently sustained the standing of an election candidate to seek preliminary injunctive relief on materially identical reasoning. Jackson v. Jones, Nos. 26-10854 and 26-10886 (11th Cir. June 12, 2026) (Article III standing satisfied where a candidate suffers competitive injury from a rival's unlawful competitive advantage, and holding the injury traceable to the actor conferring the advantage and redressable by preliminary injunction); Independent Party of Florida v. Secretary, State of Florida, 967 F.3d 1277, 1281 (11th Cir. 2020) (political party has Article III standing where its candidate faces ballot-access injury). Here, Defendant Allen's threatened certification of a constitutionally ineligible candidate confers on Defendant Tuberville the unlawful competitive advantage of a general-election ballot line to which he has no legal entitlement, while denying Plaintiff, as the runner-up in the May 19, 2026 Republican primary, the succession right conferred by Ala. Code Section 17-13-19. That is a paradigm competitor-standing injury and requires no separate showing of electoral prospects or campaign burden. Bost v. Illinois State Board of Elections, 607 U.S. ___ (Jan. 14, 2026) (candidate need not prove that the challenged rule will affect his electoral prospects to establish standing).

16A. INCORPORATION OF THE REID ORDER'S CONSTRUCTION OF ARTICLE V, SECTION 117. The Reid Order, Circuit Court of Montgomery County, Alabama, Case No. CV-2026-901053.00 (July 9, 2026), construes Article V, Section 117 as imposing a mandatory

seven-year Alabama residency qualification that is a threshold constitutional condition on state elective office, not waivable by any private party, political-party rule, or executive-committee determination. That construction is the freshest Alabama trial-court construction of Section 117 and is part of the record in the parallel State Action. Plaintiff incorporates the Reid Order's Section 117 construction as the operative construction of the state-law predicate for purposes of this federal Section 1983 action. See Exhibit 1 to the State Action Verified Complaint, filed August 1, 2026.

15. Second, Plaintiff has standing as a registered Republican voter in Shelby County, Alabama, whose right to vote in the November 3, 2026 General Election will be materially affected by the certification, or non-certification, of Defendant Tuberville. Placement of a constitutionally ineligible candidate on the general election ballot dilutes Plaintiff's vote, deprives Plaintiff of a meaningful choice in the general election, and burdens Plaintiff's associational rights as a member of the Alabama Republican Party.

16. Third, Plaintiff has standing as a citizen of the State of Alabama with a concrete and particularized interest in the constitutional integrity of elections for constitutional office. The State of Alabama has expressly and repeatedly recognized a private right of action to challenge candidate qualifications in state court. Ala. Code Section 6-6-222; Reid Order (Circuit Court of Montgomery County, Alabama, Case No. CV-2026-901053.00, dated July 9, 2026, Hon. Brooke E. Reid, Circuit Judge, presiding) (produced as Exhibit 1 to the parallel state proceeding McFeeters v. Tuberville et al., Circuit Court of Jefferson County, Alabama, Case No. 01-CV-2026-903312.00, and incorporated herein by reference). The state-conferred private right of action combines with the constitutional injuries pleaded herein to establish Article III standing.

17. Plaintiff's injuries are (a) concrete and particularized, in that Plaintiff is a specific defeated primary candidate, a specific registered voter in Shelby County, Alabama, and a specific resident of Shelby County, Alabama, with his place of business in Jefferson County, Alabama, and the challenged state action is directed at ballot certification affecting Plaintiff personally; (b) actual and imminent, in that the November 3, 2026 General Election is scheduled to occur imminently, and the ministerial ballot certification acts of Defendant Allen are scheduled to occur within days of the filing of this Complaint; (c) fairly traceable to the conduct of the Defendants, in that (i) Defendant Tuberville's continued candidacy notwithstanding the sworn residency filings pleaded below is the proximate cause of the constitutional injury, (ii) Defendant Allen's threatened ministerial certification of Defendant Tuberville is a direct state action giving rise to the First and Fourteenth Amendment injuries, and (iii) Defendants ALGOP and Stadthagen are the source of the Certification of Nomination that Defendant Allen would process; and (d) redressable by declaratory and injunctive relief from this Court, in that a declaration of ineligibility and an injunction against certification would fully remedy the injuries pleaded herein.

18. Plaintiff's standing is not defeated by Jacobson v. Florida Secretary of State, 974 F.3d 1236 (11th Cir. 2020). Jacobson concerned Florida's ballot-order statute and turned on the specific fact that the Florida Secretary of State did not have authority to strike candidates from the ballot, which was instead delegated to county Supervisors of Elections. The Alabama Secretary of State by contrast has direct ministerial authority under Ala. Code Sections 17-6-21 and 17-9-3 to accept or reject party Certifications of Nomination and to determine which candidates appear on the general election ballot. That statutory authority makes Defendant Allen a proper defendant under Article III traceability and redressability.

FACTUAL ALLEGATIONS

A. The Constitutional Standard

19. Article V, Section 117 of the Alabama Constitution of 2022 (renumbering the identical language of the 1901 Alabama Constitution) provides in relevant part that the Governor of Alabama "shall be at least 30 years of age . . . and shall have been resident citizens of this state at least seven years next before the date of their election." The constitutional phrase "resident citizens" requires actual, physical, and continuous residency for the full seven-year period, and not mere intent to reside. See Ex parte Weissinger, 247 Ala. 113, 22 So. 2d 510 (1945); Nora v. Nora, 494 So. 2d 16, 18 (Ala. 1986); Ravenel v. Dekle, 265 S.C. 364, 218 S.E.2d 521 (1975).

20. For the November 3, 2026 General Election, the constitutional inquiry is whether Defendant Tuberville was an actual, physical, continuous "resident citizen" of the State of Alabama for the seven years next preceding November 3, 2026, that is, the period from November 3, 2019 through November 3, 2026 (the "Seven-Year Window"). Any interruption in Alabama residency during the Seven-Year Window, established by objective documentary evidence, defeats eligibility as a matter of Alabama constitutional law.

B. The Auburn, Alabama Parcel

21. The Auburn, Alabama property Defendant Tuberville has identified as his Alabama residence is 379 Cherry Street, Auburn, Alabama 36830 (Lee County Parcel PPIN 073546, Account No. 128055, Parcel No. 09-09-29-1-000-262.000) (the "Cherry Street parcel"). The Cherry Street parcel was conveyed by warranty deed dated March 30, 2017 (recorded in Book 2508, Page 612, Probate Records of Lee County, Alabama) to Thomas Tucker Tuberville and Suzanne Marie Tuberville only. Defendant Tuberville himself did not appear on the deed of

record to the Cherry Street parcel until May 7, 2024 (Book 2720, Page 391), when he was added as a co-grantee, twelve months before he publicly announced his candidacy for Governor. On June 20, 2025, title was transferred to the POB Revocable Trust, Suzanne M. Tuberville, Trustee, an entity established by Trust Agreement dated October 28, 2024, pre-dating the May 27, 2025 announcement by seven months. The sequence of these conveyances, namely deed retitling May 7, 2024; trust formation October 28, 2024; trust conveyance June 20, 2025; and H4 filing November 14, 2025, is a documented chronology of residency reconstruction on the eve of, and during, an active gubernatorial campaign. See Ex. 2 to the State Action (Lee County certified deed chain: 3/30/2017 Warranty Deed Book 2508/612 to Thomas Tucker Tuberville and Suzanne Marie Tuberville only; 5/7/2024 quitclaim adding Defendant Tuberville, Book 2720/391; 6/20/2025 POB Revocable Trust conveyance, Book 2757/828).

22. The May 10, 2017 Application for Alabama H1 Regular Homestead Exemption on the Cherry Street parcel was submitted in the names of Thomas Tucker Tuberville, the son of Defendant Tuberville, and Suzanne Marie Tuberville, and was signed by Thomas Tucker Tuberville, sworn under penalty of perjury, following the March 30, 2017 Warranty Deed recorded in Book 2508, Page 612, Probate Records of Lee County, Alabama. Under Alabama Department of Revenue Administrative Rule 810-4-1-.23 and Alabama Code Section 40-9-19, the H1 Regular Homestead Exemption may be claimed only by an applicant who occupies the parcel as her or his primary Alabama residence on October 1 of the tax year. The H1 exemption remained in effect on the Cherry Street parcel continuously for tax years 2017 through 2024, as reflected in the Lee County Revenue Commissioner's certified Real Property Assessment records and paid tax receipts for those years. Although Defendant Tuberville was not a named applicant on, and did not sign, the May 10, 2017 H1 Application, Defendant Tuberville

personally benefited from the Alabama H1 regular homestead exemption on the Cherry Street parcel and, in the same tax year 2018, simultaneously benefited from a Florida homestead exemption on the Walton County residence. See Ex. 3 to the State Action (Lee County Revenue Commissioner certified Real Property Assessment records and paid tax receipts, tax years 2017-2024, evidencing continuous H1 exemption on the Cherry Street parcel); Ex. 4 to the State Action (Ala. Admin. Code r. 810-4-1-.23, official copy).

23. On November 14, 2025, being 171 days after Defendant Tuberville's May 27, 2025 public gubernatorial announcement, and 52 days before the January 5, 2026 opening of Alabama Republican Party candidate qualifying, the Cherry Street parcel exemption code was changed from H1 to H4. The H4 Homestead Exemption under Alabama Code Section 40-9-21 requires the claimant to be at least 65 years old, to occupy the parcel as primary owner-occupied residence on October 1 of the tax year, and to file an Alabama resident income tax return reporting Alabama adjusted gross income greater than $12,000. The H4 reclassification for tax year 2025 was reflected on the Lee County Revenue Commissioner's certified paid tax receipt of November 14, 2025 (Trans/Pay No. 1213448), in the amount of $1,258.35, paid by "THOMAS TUBERVILLE" personally. The November 14, 2025 filing is the first sworn Alabama primary-residence certification signed by Defendant Tuberville personally on the Cherry Street parcel of record. See Ex. 3 to the State Action (Lee County Revenue Commissioner certified paid tax receipt of November 14, 2025, $1,258.35, paid "THOMAS TUBERVILLE").

24. The November 14, 2025 H1-to-H4 reclassification described in Paragraph 23 is inconsistent with a bona fide, long-established Alabama primary residence. Suzanne Marie Tuberville turned 65 years old on May 5, 2026; Defendant Tuberville turned 65 years old on September 18, 2019. Because Suzanne Marie Tuberville did not attain the age of 65 until May 5,

2026, only Defendant Tuberville himself qualified for the H4 Senior Homestead Exemption under Ala. Code Section 40-9-19(d) during the pre-2026 period. Defendant Tuberville was not added to the Cherry Street parcel deed of record until May 7, 2024. If Defendant Tuberville had in fact been a bona fide Alabama resident occupying the Cherry Street parcel as primary residence during that period, the H4 exemption would have been available to him beginning tax year 2020 and would have been applied continuously thereafter. The choice not to claim the H4 exemption during the six years for which it was legally available, and then to claim it for the first time during the eight-month period between the May 27, 2025 candidacy announcement and the January 5, 2026 qualifying opening, is documentary evidence of purpose. It is, in the language of Ravenel v. Dekle, evidence of documentary repositioning rather than bona fide domicile. See Ravenel, 218 S.E.2d at 525.

25. Defendant Tuberville did not personally sign any Alabama homestead exemption application for the Cherry Street parcel for tax years 2018 through 2024. He was neither a record titleholder nor a signatory on the May 10, 2017 H1 Application. The 2018 through 2024 H1 exemption benefits flowed to Defendant Tuberville only derivatively through his spouse. The first sworn Alabama primary-residence certification by Defendant Tuberville personally on the Cherry Street parcel was the November 14, 2025 H4 filing described in Paragraph 23 above. At the June 14, 2026 Alabama Republican Party evidentiary hearing described in Paragraph 42 below, Defendant Tuberville admitted under oath that he did not personally sign the May 10, 2017 H1 Application. See Ex. 2 and Ex. 3 to the State Action (deed chain and H1 continuity 2017-2024); Ex. 20 to the State Action (certified transcript of the June 14, 2026 evidentiary hearing prepared by Gail B. Pritchett, RPR/CRR).

25A. The Cherry Street parcel also served, during the period relevant to this action, as the mailing address of record of Tiger Farms, LLC, an Alabama limited liability company (Alabama Secretary of State Entity ID 000-459-947), whose three co-equal Members were Defendant Tuberville, Suzanne Marie Tuberville, and Edward "Eddie" Gran. On July 21, 2023, Tiger Farms, LLC executed a General Warranty Deed With Right of Survivorship conveying its Tallapoosa County and Macon County farmland holdings to William P. Ware III and Erica C. Ware for stated consideration of $1,075,000.00 (Doc. No. 373349), signed by Thomas H. Tuberville, Suzanne M. Tuberville, and Eddie Gran in their capacities as Members. The accompanying Real Estate Sales Validation Form recites the single Grantor mailing address of record as 379 Cherry Street, Auburn, Alabama 36830. That Defendant Tuberville personally executed a Grantor conveyance reciting 379 Cherry Street as the operational address of a real-estate holding entity co-owned with a third-party business partner is documentary evidence that the parcel operated on that date as a shared business mailing address of the Tiger Farms LLC Grantor, and not as the exclusive Alabama family residence of Defendant Tuberville. See Ex parte First Alabama Bank, 883 So. 2d 1236, 1244-45 (Ala. 2003). Tiger Farms, LLC was administratively dissolved on April 29, 2024, approximately nine months after the July 21, 2023 Ware conveyance. See Ex. 13-E to the State Action (July 21, 2023 General Warranty Deed With Right of Survivorship, Tiger Farms LLC to William P. Ware III and Erica C. Ware, Doc. No. 373349, $1,075,000); Ex. 22-P to the State Action (Alabama Secretary of State certified records for Tiger Farms, LLC, Entity ID 000-459-947).

26. On or about September 23, 2019, Defendant Tuberville filed with the Alabama Department of Revenue an Alabama Form 40 (Part-Year Resident) Individual Income Tax Return for tax year 2018, self-identifying under penalty of perjury as an Alabama part-year

resident with Alabama residency dates from August 1, 2018 through December 31, 2018. That filing occurred forty-one days before the November 3, 2019 opening of the Seven-Year Window. Because the Form 40 is a sworn declaration executed under penalty of perjury, Defendant Tuberville is bound, under Alabama judicial estoppel doctrine, by his own 2019 sworn representation that his Alabama residency for tax year 2018 was limited to the partial-year period of August 1, 2018 through December 31, 2018, and that he was not an Alabama resident during the January 1 through July 31, 2018 portion of tax year 2018. The Tubervilles' contemporaneous claim of a Florida homestead exemption on the Old Beach Road parcel for tax year 2018, which under Florida Statutes Section 196.031 requires that the parcel be the owner's permanent residence as of January 1 of the tax year, is a sworn representation of Florida permanent residency for the entirety of tax year 2018. Read together with the Form 40, the earliest date on which Defendant Tuberville can, consistent with his own sworn 2018 filings, place himself in Alabama as a resident is January 1, 2019. To satisfy the seven-year gubernatorial residency requirement of Ala. Const. Art. V, Section 117 for the November 3, 2026 General Election, Defendant Tuberville therefore had to demonstrate a completed removal of residency from Florida and a bona fide establishment of Alabama residency at some point during the 306-day interval from January 1, 2019 through November 2, 2019, and continuous, uninterrupted Alabama residency from November 3, 2019 forward. See Ex parte First Alabama Bank, 883 So. 2d 1236, 1244-45 (Ala. 2003); Horwitz v. Kirby, 197 So. 3d 943 (Ala. 2015). See Ex. 5 to the State Action (Alabama Department of Revenue certified copy of Defendant Tuberville's Alabama Form 40 (Part-Year Resident) Individual Income Tax Return for tax year 2018, with the "Part Year" residency box checked and Alabama residency dates of August 1, 2018 through December 31, 2018, filed on or about September 23, 2019); Ex. 5A to the State

Action (Lagniappe News barcode/document-authenticity analysis); Ex. 6 to the State Action (certified 2018 Walton County Notice of Ad Valorem Tax for the Old Beach Road parcel reflecting H3 and HX Florida homestead exemptions).

C. The Florida Beach Parcels

27. At all times relevant to this Complaint, Defendant Tuberville and Suzanne Marie Tuberville have owned or controlled residential real property in Walton County, Florida. The two principal Florida parcels are (a) 395 Old Beach Road, Santa Rosa Beach, Florida 32459 (Walton County Parcel No. 11-3S-20-34020-000-0140) (the "Old Beach Road parcel"), a Gulf-front lot improved by a single-family residence of approximately 5,105 square feet on 0.365 acres; and (b) 463 Ridge Road, Santa Rosa Beach, Florida 32459 (Walton County Parcel No. 03-3S-20-34221-000-0050) (the "Ridge Road parcel"), acquired by the Tubervilles on July 7, 2023 for $825,000. Both parcels are presently held by the POB Revocable Trust, Suzanne M. Tuberville, Trustee. The Walton County Property Appraiser's certified working record for the Old Beach Road parcel, as of the June 30, 2026 assessment cycle, reflects a Just (Market) Value of $5,672,558 and an Assessed Value of $4,893,728. By comparison, the Lee County Revenue Commissioner's certified 2025 record for the Cherry Street parcel reflects an appraised value of $270,680. The dollar disparity between the Florida holdings (in excess of $6.7 million on the two parcels combined) and the Auburn parcel is itself a matter of record probative of where the Tubervilles' asset gravity has, in fact, resided. See Ex. 8 to the State Action (Walton County Property Appraiser certified working record for Old Beach Road parcel); Ex. 12 to the State Action (July 7, 2023 Ridge Road acquisition record, $825,000); Ex. 14 to the State Action (July 22, 2025 POB Revocable Trust conveyances of both Florida parcels).

28. The Old Beach Road parcel's twenty-one-year ownership history establishes that it has functioned as a Florida residential holding of the Tubervilles or a Tuberville-controlled entity, formally certified as the Tubervilles' Florida permanent residence for homestead purposes in tax year 2018, and continuously reflected in the certified Walton County Property Appraiser and Tax Collector records as owner-directed to a Florida mailing address of record from 2017 forward. From October 12, 2004 through July 31, 2012, title was held by BYVW 211, LLC, a Georgia limited liability company. The certified Walton County tax bills for tax years 2008 through 2011 were each addressed to "BYVW 211 LLC, ATTN: SUZANNE TUBERVILLE," first at 2603 Danbury Drive, Auburn, Alabama 36830 (2008 to 2009), then at 9018 County Road 6860, Lubbock, Texas 79407 (2010 to 2011). Florida homestead is not available to an LLC-titled parcel under Florida Statutes Section 196.041; the absence of a homestead exemption during the BYVW 211 ownership period is a function of Florida law, not of intent. From July 31, 2012 forward, the Tubervilles held the parcel individually. The Tubervilles' contemporaneous 2018 Florida tax filings certified the Old Beach Road parcel as their Florida permanent residence for homestead purposes, and the certified Walton County Property Appraiser and Tax Collector records reflect a continuous Florida mailing address of record for the parcel from 2017 forward. See Ex. 8 to the State Action (Walton County Property Appraiser certified working record); Ex. 10 to the State Action (Georgia Secretary of State certified records for BYVW 211, LLC); Ex. 11 to the State Action (7/31/2012 corporate warranty deed conveying Old Beach Road from BYVW 211, LLC); Ex. 15 to the State Action (Walton County Tax Collector certified 2008-2025 mailing-address history for the Old Beach Road parcel).

29. In tax year 2018, and only in tax year 2018, Defendant Tuberville and Suzanne Marie Tuberville claimed and received a Florida homestead exemption on the Old Beach Road parcel. The Walton County Tax Collector's certified 2018 Notice of Ad Valorem Tax for the parcel recites on its face "EXEMPTIONS APPLIED: H3, HX," and applies a $50,000 exemption to every non-school taxing authority line item and a $25,000 exemption to each of the two school-district line items. This filing is a sworn representation to the Walton County Property Appraiser, under Florida Statutes Sections 196.031 and 196.061, that on January 1, 2018 the Old Beach Road parcel was the Tubervilles' "permanent residence" in the State of Florida. See Fla. Const. Art. VII, Section 6; Fla. Stat. Section 196.012 (defining "permanent residence" as the place where a person has his or her true, fixed, and permanent home and principal establishment); Fla. Stat. Section 196.031(1)(a). The Walton County Property Appraiser's Application for Homestead Exemption is form DR-501, which is executed under penalty of perjury pursuant to Fla. Stat. Section 837.06. See Ex. 6 to the State Action (Walton County Tax Collector certified 2018 Notice of Ad Valorem Tax for the Old Beach Road parcel reciting "EXEMPTIONS APPLIED: H3, HX").

30. On the same tax year, 2018, an Alabama H1 Regular Homestead Exemption was in force on the Cherry Street parcel in the names of Thomas Tucker Tuberville and Suzanne Marie Tuberville as co-record-owners of the parcel under the March 30, 2017 Warranty Deed (Lee County Book 2508, Page 612). The May 10, 2017 Alabama H1 Application was executed by Thomas Tucker Tuberville alone as sole signatory under penalty of perjury; Suzanne Marie Tuberville did not personally sign the H1 Application. Under Ala. Code Section 40-7-10, the H1 continued in force annually without further sworn re-signature through tax year 2024, and the certified Lee County Revenue Commissioner's 2018 Real Property Assessment record for the

parcel records "EXEMPT CODES: H1," with the corresponding 2018 paid tax receipt confirming the exemption for that tax year. See Ex. 3 to the State Action (2018 Lee County paid tax receipt, Trans/Pay No. 1106211, paid November 28, 2018 by "TUBERVILLE SUZANNE" in the amount of $1,568.08). In the same tax year, and as pleaded at Paragraph 29 above, Defendant Tuberville and his spouse Suzanne Marie Tuberville jointly claimed and received the Florida H3/HX homestead exemption on the Old Beach Road parcel, which was titled in the joint names "TUBERVILLE THOMAS HAWLEY & TUBERVILLE SUZANNE," with Defendant Tuberville directly bound as a joint titleholder and co-beneficiary of that sworn Florida-permanent-residence certification. The Alabama H1 exemption may be claimed only by an applicant who owns and occupies the parcel as her or his primary Alabama residence on October 1 of the tax year. Ala. Code Section 40-9-19; Ala. Admin. Code r. 810-4-1-.23(6) (benefit inures to the entire household). It is legally impossible for a natural person to be simultaneously a Florida "permanent resident" on January 1, 2018 (as sworn to the Walton County Property Appraiser through the joint-title Old Beach Road homestead filing) and an Alabama "primary resident" on October 1, 2018 (as reflected in the joint-titled Cherry Street H1 exemption on which the household received the benefit). Under Florida Statute Section 196.031(6), a natural person who claims a residency-based property tax exemption in another state is deemed to have surrendered Florida permanent residency and to have forfeited the Florida homestead exemption. The documentary record establishes, as a matter of law, that at least one of the two 2018 sworn filings, both of which bind Defendant Tuberville, the Florida H3/HX filing directly as a joint-titled applicant and the Alabama H1 filing derivatively through his spouse and the resulting household benefit, was materially false.

31. On July 22, 2025, being 56 days after Defendant Tuberville's May 27, 2025 gubernatorial announcement, dual warranty deeds were recorded in the Walton County Clerk of Court and Comptroller transferring both Florida parcels to the POB Revocable Trust: Instrument No. 20250025701 (Old Beach Road parcel, Book 3365, Page 1473) at 10:09 A.M. and Instrument No. 20250025702 (Ridge Road parcel, Book 3365, Page 1477) at 10:09 A.M. Both deeds contain the sworn recital: "This property is not the homestead real property of Grantor." The Grantor address of record on both deeds is 379 Cherry Street, Auburn, Alabama 36830. On February 6, 2026, during a period of active public constitutional-eligibility scrutiny of Defendant Tuberville's Alabama residency, the Ridge Road parcel was listed for sale under MLS #981580 at $1,055,000, with the listing field "Homestead: No." The July 22, 2025 sworn deed recitals and the February 6, 2026 MLS listing are objective documentary confirmations that the Tubervilles now assert neither Florida parcel has been their homestead. That current assertion is fundamentally at odds with the 2018 sworn homestead filing on the Old Beach Road parcel pleaded in Paragraph 30. See Ex. 14 to the State Action (Walton County Clerk of Court and Comptroller certified copies of Instrument Nos. 20250025701 and 20250025702, Book 3365, Pages 1473 and 1477); Ex. 9 to the State Action (MLS #981580 listing dated February 6, 2026, marked "Homestead: No").

D. Defendant Tuberville's Florida Voter and Driver License Records

32. Independent of the homestead record, additional Florida records reflect a Florida-oriented residency pattern by Defendant Tuberville personally. The Florida Department of State, Division of Elections, by official letter dated June 3, 2026 signed by Susan Bush, Regulatory Program Administrator, confirmed that Defendant Tuberville was actively registered to vote in Walton County, Florida from May 24, 2017 through March 20, 2020, at which point his Florida

registration was removed under the notation "Removed by Voter." Defendant Tuberville voted in the November 6, 2018 Florida General Election by mail-in ballot from Walton County. Florida law permits a person to be an active Florida registered voter only if that person is a legal Florida resident. Fla. Stat. Section 97.041(1)(a). Defendant Tuberville remained an actively registered Florida voter for approximately four and one-half months into the Seven-Year Window (November 3, 2019 through March 20, 2020). See Ex. 7 to the State Action (Florida Division of Elections voter registration letter).

33. The Alabama Secretary of State's certified voter record for Defendant Tuberville, issued June 12, 2026, reflects the following material dates: (a) initial Alabama voter registration on March 28, 2019; (b) the last Alabama vote cast by Defendant Tuberville prior to the March 20, 2020 removal of his Florida registration was cast on March 3, 2020 in the Alabama Presidential Preference Primary, establishing that Defendant Tuberville held simultaneous active Alabama and Florida voter registrations for eleven and one-half months, from his March 28, 2019 Alabama registration through his March 20, 2020 Florida deregistration. See Ex. 18 to the State Action (Alabama Secretary of State certified voter record).

34. Florida Department of Highway Safety and Motor Vehicles records reflect that Defendant Tuberville held an active and unexpired Florida Class E Driver License valid through February 20, 2023, more than three years and three months into the Seven-Year Window. A Florida Class E Driver License requires that the applicant certify Florida residency under Fla. Stat. Section 322.01(43) and Rule 15A-1.017. Defendant Tuberville's maintenance of a Florida Class E Driver License valid through February 20, 2023 is itself a sworn Florida residency certification covering thirty-nine months of the Seven-Year Window. See Ex. 19 to the State Action (Florida driver license history).

E. The June 14, 2026 ALGOP Evidentiary Hearing

35. On June 14, 2026, the State Executive Committee of the Alabama Republican Party convened an evidentiary hearing on Plaintiff McFeeters's challenge to Defendant Tuberville's qualifications under Article V, Section 117 (the "June 14 Hearing"). Plaintiff appeared through counsel Jerry D. Roberson of Tuscumbia, Alabama. Defendant Tuberville appeared, testified, and was represented by Albert L. Jordan and Stephen W. Shaw of Wallace, Jordan, Ratliff and Brandt, LLC. Defendant Stadthagen, in his capacity as ALGOP Chairman, presided as Hearing Officer and, in his own words on the record, was "effectively the judge for this contest." A certified transcript of the June 14 Hearing was prepared and certified by Gail B. Pritchett, Certified Realtime Reporter and Registered Professional Reporter, Birmingham Reporting Service. That certified transcript is filed of record in the State Action as Ex. 20 and is incorporated herein under the Incorporation by Reference of State-Court Exhibit Binder paragraph above.

36. The June 14 Hearing was convened at, and conducted inside, the offices of Balch and Bingham LLP, a private law firm, at 1901 6th Avenue North, Suite 1500, Birmingham, Alabama 35203. It was not convened at any Alabama Republican Party headquarters, not in any public hearing room, and not in any judicial or quasi-judicial facility of the State of Alabama. Balch and Bingham partners David J. Bowsher and Allen R. Estes appeared on the record as "state legal counsel to the party." Defendant Stadthagen stated on the record: "If one of them says something, they are saying it in my voice on my behalf. And if that is ever not the case, then I will say so." Balch and Bingham thereby served as the operational drafter, ruler, and voice-of-the-Chair for the June 14 Hearing, notwithstanding that Balch and Bingham was neither a party of record nor a party respondent to the contest.

37. The Alabama Republican Party is bound by its own written rules governing primary election contests, adopted June 25, 2022 and in effect at all times relevant to this Complaint (the "ALGOP Contest Rules"). The ALGOP Contest Rules were promulgated pursuant to and in furtherance of Ala. Code Sections 17-13-70 through 17-13-88 governing primary election contests. Section 10 of the ALGOP Contest Rules provides that each party or counsel of record "is designated by these Rules and pursuant to Alabama Code Section 17-13-74 as having the authority to issue up to five (5) subpoenas to summon witnesses to appear and give testimony at a Pre-Hearing deposition," that "such deposition shall be taken under oath, and shall be recorded by a court reporter," and that "any deposition conducted pursuant to this Section 10 shall be no more than four (4) hours in length, with each Party having up to two (2) hours in which they may ask questions of the witness." Section 11 of the ALGOP Contest Rules confers on each party the parallel authority to issue up to five (5) subpoenas duces tecum for the production of documents. Section 12 of the ALGOP Contest Rules further grants each party the right to serve up to twenty-five (25) interrogatories, twenty-five (25) requests for documents, and ten (10) requests for admission on any other party to the contest.

38. Defendants ALGOP and Stadthagen refused to enforce Sections 10, 11, and 12 of the ALGOP Contest Rules on behalf of Plaintiff. Plaintiff, through counsel, sought to depose Defendant Tuberville, Defendant Tuberville's spouse Suzanne Marie Tuberville, individuals with direct knowledge of the Tubervilles' place of habitual residence, and tax professionals connected to records that Defendant Tuberville's counsel submitted as evidence. Defendants Stadthagen and ALGOP declined to compel any deposition. Defendant Stadthagen's office informed Plaintiff's counsel, on or about the week of June 8, 2026, that Plaintiff would, at most, be permitted to ask "a few questions" of Defendant Tuberville himself immediately before the

hearing. No sworn pre-hearing deposition of any witness was taken. No document subpoena was enforced. No interrogatories were answered under oath. Suzanne Marie Tuberville, the only party of record to the March 30, 2017 Alabama H1 homestead application, the 2018 dual-state homestead filings, the July 22, 2025 sworn "not homestead" recitals, and the July 31, 2012 Old Beach Road conveyance, did not appear and was not called.

39. Defendants ALGOP and Stadthagen further departed from the ALGOP Contest Rules and from any recognizable standard of adjudicative fairness by closing the June 14 Hearing to members of the public, to members of the Alabama Republican Party who were not sitting on the Steering Committee, and to the press; by confiscating cellular telephones and connected devices from all attendees upon entry; by prohibiting any recording of the proceedings other than the certified court transcript; by placing the certified transcript under an embargo of not less than one week before any party could purchase or circulate it; and by entering, without notice or opportunity to be heard, a protective order over the exhibits and discovery materials that had already been exchanged between counsel of record. The ALGOP Contest Rules, as written and provided to the parties, do not automatically seal exhibits, do not authorize the closure of a contest hearing to party members or to the media, and do not authorize the confiscation of communication devices from private citizens attending on behalf of a party to the contest.

40. Defendant Stadthagen simultaneously occupied every role by which the adjudicative fairness of the June 14 Hearing would ordinarily be tested. Defendant Stadthagen presided as Hearing Officer. Defendant Stadthagen was, and remains, the Chairman of the Alabama Republican Party, the same body whose Steering Committee served as fact-finder

and voted the dispositive result. Defendant Stadthagen selected, retained, and authorized to speak in his voice the same private law firm, Balch and Bingham LLP, whose offices hosted the hearing and whose partners drafted, presented, and ruled on procedural motions on behalf of the Chair. Under Section 6 of the ALGOP Contest Rules, in the absence of any independent Hearing Officer designation, the Chair of the applicable Committee automatically serves as Hearing Officer, meaning that the very same actor who selected the Committee, retained its legal counsel, and would exercise substitution authority under Ala. Code Section 17-13-23 in the event of disqualification also served as the neutral trier of fact.

41. Albert L. Jordan, lead counsel of record for Defendant Tuberville at the June 14 Hearing, is a former State Legal Counsel to the Alabama Republican Executive Committee, having served in that capacity by his own published biography from early 2015 through December 2017. Albert L. Jordan additionally holds an active commission as a Special Deputy Attorney General for the State of Alabama. Albert L. Jordan was convicted by a federal jury in the Northern District of Alabama on January 11, 2006 of conspiracy to defraud the United States, 18 U.S.C. Section 371, and theft of government property, 18 U.S.C. Section 641, in connection with the misuse of the National Crime Information Center and the Alabama Criminal Justice Information System to conduct blanket criminal background checks on absentee voters in an attempt to overturn a Jefferson County Sheriff election that had been lost by 37 votes. His conviction was affirmed by the Eleventh Circuit in United States v. Jordan, 582 F.3d 1239 (11th Cir. 2009). See also United States v. Jordan, 316 F.3d 1215 (11th Cir. 2003) (Government's interlocutory appeal reinstating the indictment before trial); January 11, 2006 press release of the United States Department of Justice. Plaintiff pleads these facts not for character purposes, but as further predicate for the request that this Court not treat the June 14 Hearing as an independent

quasi-judicial determination entitled to any deference by a federal court, and as further support for the request that discovery in this matter proceed under the supervision of this Court and the Federal Rules of Civil Procedure rather than under the party structure that convened the June 14 Hearing.

42. At the June 14 Hearing, Defendant Tuberville admitted under oath that (a) he voted in Florida in the 2018 General Election by mail-in ballot from Walton County, Florida; (b) he was not present to sign the March 30, 2017 Warranty Deed for the Cherry Street parcel and did not personally sign that deed, which was signed by Thomas Tucker Tuberville and Suzanne Marie Tuberville alone; and (c) he was not a titleholder on the Cherry Street parcel until 2024. See Ex. 20 to the State Action (certified transcript of the June 14, 2026 evidentiary hearing). Following one hour and twelve minutes of deliberation, the ALGOP Steering Committee, sitting in a room selected and secured by Defendant Stadthagen and his Balch and Bingham counsel, voted to reject Plaintiff's challenge and to leave Defendant Tuberville as the presumptive party nominee.

43. The June 14 Hearing was structurally incapable of resolving the constitutional-eligibility question presented. The Alabama Republican Party afforded Plaintiff only forty-five (45) minutes to present his entire case, answer questions from the panel, and rebut Defendant Tuberville's presentation. The ALGOP Contest Rules governing pre-hearing depositions, document subpoenas, interrogatories, and requests for admission were not enforced on Plaintiff's behalf. The proceeding was conducted inside a private law firm whose partners spoke in the Chair's voice. The Chair, the Hearing Officer, the fact-finding committee, the party's legal counsel, and the person who would exercise substitution authority under Ala. Code Section 17-13-23 were, as a practical matter, the same actor and the same firm. Plaintiff pleads that the June

14 Hearing is not entitled to any preclusive effect in any court on the underlying constitutional question, and further that no state administrative process is available to Plaintiff that could supply constitutionally adequate process for his federal claims. Only judicial review by an Article III court can supply that process.

44. Forfeiture of Section 17-13-23 Substitution Discretion Through Antecedent Federal Constitutional Violation. Defendants Alabama Republican Party and Stadthagen possessed exclusive institutional authority, from the January 23, 2026 candidate-qualifying deadline through the May 19, 2026 primary and again on June 14, 2026 at the formal contest hearing described in Paragraphs 35 through 43 above, to conduct a legitimate constitutional-eligibility review of Defendant Tuberville's Article V, Section 117 residency qualifications. Defendants Alabama Republican Party and Stadthagen failed at each of those institutional moments and, on June 14, 2026, affirmatively cleared Defendant Tuberville as party nominee notwithstanding record evidence of disqualifying residency defects. That failure and that clearance constitute the antecedent state action, under color of state law, that deprived Plaintiff and the approximately 493,000 May 19, 2026 primary voters of the First and Fourteenth Amendment associational and due-process rights pleaded in Counts I, III, and IV below. On the ordinary principles of federal equitable-remedy law governing 42 U.S.C. Section 1983, a state actor who has committed the antecedent constitutional violation that generates a vacancy in nomination cannot be permitted to invoke the same discretionary state-law power under Ala. Code Section 17-13-23 to select a replacement candidate and thereby compound that constitutional violation. North Carolina State Board of Education v. Swann, 402 U.S. 43, 45-46 (1971); Cooper v. Aaron, 358 U.S. 1, 17-18 (1958); Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1, 15 (1971). Whether the constitutional-ineligibility declaration is entered by this Court on or before the August 19,

2026 statutory substitution deadline, or thereafter but before the general-election ballot for the November 3, 2026 General Election has been printed and distributed, this Court retains full equitable authority under 42 U.S.C. Section 1983, 28 U.S.C. Sections 2201 and 2202, and Federal Rule of Civil Procedure 65 to enter, and Plaintiff requests entry of, the single equitable remedy that vindicates the pleaded constitutional violations without compounding them and without disenfranchising the primary electorate: certification of the runner-up in the May 19, 2026 Alabama Republican Primary Election, Plaintiff Ken McFeeters, as the Alabama Republican Party nominee for the office of Governor. That remedy is the simplest available on the pleaded facts, requires no further judicial interpretation of Alabama law by this Court, and preserves the fairness of the perception of the remedy at final ruling by leaving the electoral choice with the May 19, 2026 primary electorate rather than with the state actor whose constitutional violation is the subject of this action.

45. Absence of Any Less Restrictive Alternative Remedy. Defendants Alabama Republican Party and Stadthagen have adopted no method under Ala. Code Section 17-13-23 that can lawfully be convened and completed before or reasonably after August 19, 2026. The Alabama Republican Party Bylaws, as amended March 7, 2026, and as further amended August 1, 2026 (the current operative version), do not reserve any convention procedure, committee-vote procedure, runner-up rule, or other method for filling a vacancy in a party nomination for statewide office. Upon information and belief, ALGOP Bylaw notice periods and quorum requirements make the ad hoc convening of any lawful State Executive Committee substitution vote a factual impossibility within the August 19 deadline, and any purported ad hoc substitution vote convened after that date would itself compound the antecedent constitutional violation pleaded in Paragraph 44 above and would be independently subject to the same Anderson-

Burdick associational-rights infirmity pleaded in Count III below. Certification of the runner-up, Plaintiff Ken McFeeters, is therefore the only remedy available to this Court that vindicates the pleaded constitutional violations without compounding them, without disenfranchising the approximately 493,000 May 19, 2026 primary voters, and without requiring further judicial interpretation of Alabama law. This conclusion holds whether the constitutional-ineligibility declaration is entered before or after August 19, 2026.

46. Third-Place and Non-Primary Preclusion. Defendants Alabama Republican Party and Stadthagen have not identified, and cannot identify, any Alabama Republican Primary participant other than Plaintiff Ken McFeeters who satisfies all four of the following criteria: (i) received votes in the May 19, 2026 Alabama Republican Primary Election for the office of Governor; (ii) is constitutionally eligible under Ala. Const. Art. V, Section 117; (iii) has agreed to be certified as the Republican nominee for the November 3, 2026 General Election; and (iv) can be certified to Defendant Allen within the August 19, 2026 substitution deadline established by Ala. Code Section 17-13-23, or, in the alternative, within any post-August 19 window during which the ballot for the November 3, 2026 General Election has not yet been printed and distributed. Plaintiff affirmatively pleads that no candidate who received fewer votes than Plaintiff in the May 19, 2026 primary may lawfully be installed as the Alabama Republican Party nominee under the federal equitable remedy pleaded herein, and expressly forecloses any candidate who finished below the runner-up in the May 19, 2026 primary and any candidate who did not participate in the May 19, 2026 primary.

F. The August 19, 2026 Substitution Deadline and the ALGOP Bylaws Gap

47. Ala. Code Section 17-13-23, as amended by Act 2014-6, provides that the State Executive Committee of a political party may fill a vacancy in nomination created by the

disqualification of a candidate "by action of the committee itself or by such other method as such committee may see fit to pursue." The statutory substitution deadline for the November 3, 2026 General Election is August 19, 2026. If Defendant Tuberville is declared ineligible on or before August 19, 2026, the Alabama Republican Party may fill the vacancy.

48. The Alabama Republican Party Bylaws, as amended March 7, 2026, and as further amended August 1, 2026 (the current operative version), contain no procedure for filling a vacancy in a party nomination for statewide office. No convention procedure, committee-vote procedure, runner-up rule, or other method has been reserved by the party under Section 17-13-23. Upon information and belief, no ALGOP Bylaw amendment, resolution, or standing rule adopted before or after March 7, 2026 supplies any such method.

49. Ala. Code Section 17-13-19 (2023) provides that where either of the two candidates receiving the highest number of votes in a first primary election declines to enter a second primary, "the chair of such committee shall declare the other candidate the nominee of the party for such office" and shall certify that candidate to the Secretary of State. Section 17-13-19 by its terms addresses only the specific situation in which one of the top-two candidates in a first primary declines to enter a runoff, and does not by its terms control the post-primary disqualification of a certified nominee. Plaintiff does not ask this Court to extend Section 17-13-19 by construction or by analogy to the facts pleaded herein. Plaintiff cites Section 17-13-19 only as descriptive background evidence that, in the closest analogous circumstance the Alabama Legislature has itself addressed, the legislature elected the runner-up succession outcome and specifically foreclosed party discretion. That descriptive background bears on the Anderson-Burdick severe-burden analysis pleaded in Count III, and confirms that runner-up

succession is the outcome that most nearly reflects Alabama's own expressed legislative choice in the top-two primary context.

50. Because Defendants Alabama Republican Party and Stadthagen have committed the antecedent constitutional violations described in Paragraphs 35 through 43 and Paragraph 44 above, and because those Defendants have adopted no bylaw method under Ala. Code Section 17-13-23 that can lawfully be convened and completed within the administrative substitution deadline, the only equitable remedy available to this Court under 42 U.S.C. Section 1983 that vindicates the pleaded constitutional violations without compounding them is certification of the runner-up in the May 19, 2026 Alabama Republican Primary Election, Plaintiff Ken McFeeters, as the Alabama Republican Party nominee for the office of Governor. Any alternative remedy would require either (i) permitting Defendants Alabama Republican Party and Stadthagen to exercise Section 17-13-23 substitution discretion notwithstanding their antecedent constitutional violations, thereby compounding those violations; (ii) applying Ala. Code Section 17-6-21(b)'s default rule so as to disenfranchise approximately 493,000 Republican primary voters as the direct consequence of the same antecedent constitutional violations; or (iii) certification of the runner-up succession question to the Alabama Supreme Court under Ala. R. App. P. 18, which would delay any operative remedy past the September 19, 2026 UOCAVA 45-day ballot-transmission deadline and thereby moot the very federal constitutional rights this Court is called to vindicate. Certification of the runner-up is therefore, on the pleaded facts, the single equitable remedy available to this Court that does not compound the constitutional violation, does not disenfranchise the primary electorate, and does not require further judicial interpretation of Alabama law. This conclusion applies whether the constitutional-ineligibility

declaration is entered on or before August 19, 2026, or after August 19, 2026 but before the November 3, 2026 General Election ballot has been printed and distributed.

G. The Parallel State-Court Action

51. On July 28, 2026, Plaintiff filed a Verified Complaint for Declaratory Judgment, Injunctive Relief, and Judicial Estoppel in the Circuit Court of Jefferson County, Alabama (Birmingham Division), styled McFeeters v. Tuberville et al., Civil Action No. 01-CV-2026-903312.00, Hon. Chuck Price presiding (the "State Action"). The State Action pleads, as a matter of state law, declaratory judgment under Ala. Code Sections 6-6-220 through 6-6-232, injunctive relief against Defendant Allen, and judicial estoppel based on the 2018 Florida homestead filing pleaded in Paragraph 29 herein. The State Action and the present federal action are complementary, not duplicative: the State Action prosecutes the state constitutional and estoppel theory in the Plaintiff's home state forum, while this federal action prosecutes the federal constitutional theories under the First and Fourteenth Amendments and 42 U.S.C. Section 1983 that lie exclusively within this Court's competence.

52. The pendency of the State Action does not bar this federal action under any doctrine of abstention, comity, or duplicative filing. The federal claims pleaded herein have never been adjudicated by any state court. Younger v. Harris, 401 U.S. 37 (1971), does not apply because the State Action is a civil action in which Plaintiff is himself the plaintiff, not a state civil enforcement or criminal proceeding against him. Colorado River Water Conservation District v. United States, 424 U.S. 800 (1976), does not warrant abstention because this Court's declaration on the federal First and Fourteenth Amendment questions is unavailable in the State Action, the federal claims raise substantial questions of federal constitutional law, and Plaintiff has an unflagging obligation and right under Section 1983 to have his federal claims heard in federal

court. More specifically, Younger abstention is confined to the three exceptional categories identified in Sprint Communications, Inc. v. Jacobs, 571 U.S. 69, 72-73, 78-79 (2013): (1) state criminal prosecutions, (2) certain state civil enforcement proceedings, and (3) civil proceedings involving orders uniquely in furtherance of the state courts' ability to perform their judicial functions. The State Action fits none of the three Sprint categories. It is a private civil declaratory-judgment action initiated by Plaintiff himself, not a state enforcement proceeding brought against him, and it implicates no court-administration function of the Alabama courts. See also New Orleans Public Service, Inc. v. Council of the City of New Orleans, 491 U.S. 350, 367-68 (1989) (the mere presence of a parallel state proceeding does not trigger Younger). Colorado River abstention likewise fails under the six-factor Moses H. Cone analysis: the state and federal actions plead materially different claims (state constitutional residency and state-law judicial estoppel versus federal First and Fourteenth Amendment and Section 1983 claims), the federal forum offers relief not available in the state forum, Plaintiff has not engaged in reactive or forum-shopping conduct, and the federal constitutional questions are substantial. Moses H. Cone Memorial Hospital v. Mercury Construction Corp., 460 U.S. 1, 15-16, 25-26 (1983); Ambrosia Coal & Construction Co. v. Pages Morales, 368 F.3d 1320, 1331-33 (11th Cir. 2004) (setting the high bar for Colorado River abstention in this Circuit). To the extent any Defendant invokes the discretionary declaratory-judgment abstention framework of Wilton v. Seven Falls Co., 515 U.S. 277 (1995) and Brillhart v. Excess Insurance Co. of America, 316 U.S. 491 (1942), that framework is inapplicable because Plaintiff pleads coercive Section 1983 claims for injunctive relief in Counts I through III, and the declaratory count in Count IV is ancillary to that coercive relief. Wilton/Brillhart discretion does not govern federal actions that combine declaratory and coercive claims; in that posture the exceptional-circumstances standard of

Colorado River applies. See Ameritas Variable Life Insurance Co. v. Roach, 411 F.3d 1328, 1330-31 (11th Cir. 2005). Independently, the equitable-restraint doctrine of Pullman is not implicated because the Alabama constitutional and statutory provisions at issue are neither unclear nor susceptible of a state-court construction that would obviate the federal constitutional questions.

COUNT I

42 U.S.C. Section 1983 - Deprivation of Fundamental Right to Vote and Procedural and Substantive Due Process under the Fourteenth Amendment (Defendant Allen, in his official capacity)

53. Plaintiff incorporates by reference Paragraphs 1 through 52 as though fully set forth herein.

54. The Due Process Clause of the Fourteenth Amendment to the United States Constitution provides that no state "shall deprive any person of life, liberty, or property, without due process of law." U.S. Const. amend. XIV, Section 1. The right to vote is a fundamental liberty interest protected by the Due Process Clause. Reynolds v. Sims, 377 U.S. 533, 555 (1964); Bush v. Gore, 531 U.S. 98, 104-05 (2000). That liberty interest includes the right to cast a vote in a general election that has not been fatally corrupted by the placement of a constitutionally ineligible candidate on the ballot.

55. Defendant Allen is a state actor within the meaning of 42 U.S.C. Section 1983. As the Secretary of State of Alabama, Defendant Allen acts under color of state law when he exercises his ministerial certification authority under Ala. Code Sections 17-6-21 and 17-9-3 to place, or refuse to place, candidates on the general election ballot. Defendant Allen's threatened action of

certifying Defendant Tuberville for the November 3, 2026 General Election ballot, in the face of the documentary record pleaded above, constitutes state action.

56. Defendant Allen's threatened certification of Defendant Tuberville deprives Plaintiff of the fundamental right to vote in a general election that is not fatally corrupted by the placement of an ineligible candidate on the ballot. It also deprives Plaintiff of his competitive standing as the defeated primary candidate whose right to be considered as the party's nominee is displaced by the certification of an ineligible candidate. Plaintiff's standing under Count I rests primarily on his competitive-candidate injury as the defeated primary candidate whose party-nomination interest is displaced by the certification of a constitutionally ineligible opponent, not on undifferentiated vote-dilution. That competitive injury is concrete, particularized, actual, and imminent, and is directly traceable to and redressable by Defendant Allen's ministerial certification act. The Supreme Court has now categorically held that a candidate has Article III standing to challenge the rules that govern the counting of votes in his election, without regard to whether those rules will affect his electoral prospects or increase the cost of his campaign. Bost v. Illinois State Board of Elections, 607 U.S. ___, No. 24-568 (Jan. 14, 2026) (Roberts, C.J.) (holding that "a candidate has a personal stake in the rules that govern the counting of votes in his election" and that candidates have "a concrete and particularized interest in the rules that govern the counting of votes in their elections, regardless whether those rules harm their electoral prospects or increase the cost of their campaigns"). Bost applies a fortiori to the present case: if a candidate has Article III standing to challenge the mere counting rules of an election in which he participates, he necessarily has standing to challenge the antecedent constitutional question of whether the declared winner of that election is even eligible to appear on the general election ballot. Shays v. FEC, 414 F.3d 76, 85-87 (D.C. Cir. 2005); Owen v. Mulligan, 640 F.2d 1130,

1132-33 (9th Cir. 1981); Tex. Democratic Party v. Benkiser, 459 F.3d 582, 586-88 (5th Cir. 2006); Fulani v. Hogsett, 917 F.2d 1028, 1030 (7th Cir. 1990). This competitive-standing footing is independent of, and stronger than, the diluted-vote theory that some courts have narrowed in Carson v. Simon, 978 F.3d 1051 (8th Cir. 2020) and Bognet v. Secretary of the Commonwealth of Pennsylvania, 980 F.3d 336 (3d Cir. 2020), vacated as moot sub nom. Bognet v. Degraffenreid, 141 S. Ct. 2508 (2021). Plaintiff's vote-dilution allegations in Paragraph 62 remain independently sufficient because they are tethered to a specific candidate-eligibility injury on the face of the general election ballot, not to a generalized election-administration grievance of the sort at issue in Bognet, and because Bognet was vacated as moot and lacks precedential force. Plaintiff further has standing as a registered Republican voter in Shelby County under the associational-rights theory pleaded in Count III, which the Supreme Court has recognized in Anderson v. Celebrezze, 460 U.S. 780 (1983) and Kusper v. Pontikes, 414 U.S. 51 (1973) as sufficient to confer Article III standing on individual voters challenging ballot-access decisions.

57. That deprivation occurs without adequate process. The June 14, 2026 ALGOP hearing, as pleaded in Paragraphs 35 through 43, was structurally incapable of resolving the constitutional-eligibility question. No state administrative process is available to Plaintiff for challenging Defendant Allen's ministerial certification of an ineligible candidate. The Alabama Secretary of State does not conduct any independent factual inquiry into the constitutional qualifications of a candidate certified to him by a political party. Only judicial review provides adequate process, and only prospective declaratory and injunctive relief can prevent the deprivation.

58. The deprivation is causally attributable to Defendant Allen and is redressable by an injunction enjoining Defendant Allen from certifying Defendant Tuberville and from placing Defendant Tuberville's name on the November 3, 2026 General Election ballot.

59. Plaintiff has no adequate remedy at law and will suffer irreparable injury in the absence of the requested declaratory and injunctive relief.

COUNT II

42 U.S.C. Section 1983 - Equal Protection Clause of the Fourteenth Amendment

(Defendant Allen, in his official capacity)

60. Plaintiff incorporates by reference Paragraphs 1 through 59 as though fully set forth herein.

61. The Equal Protection Clause of the Fourteenth Amendment provides that no state shall "deny to any person within its jurisdiction the equal protection of the laws." U.S. Const. amend. XIV, Section 1. In the elections context, the Equal Protection Clause prohibits both (a) unequal weighting of otherwise similarly-situated votes, and (b) unequal treatment by state elections officials of similarly-situated candidates.

62. Defendant Allen's threatened certification of Defendant Tuberville dilutes the vote of Plaintiff and every Alabama voter in the November 3, 2026 General Election. Where a ballot includes a constitutionally ineligible candidate, votes cast for eligible candidates in the same race are diluted in comparison with votes cast in any race whose candidates satisfy the applicable constitutional and statutory requirements. See Bush v. Gore, 531 U.S. at 104-05; Reynolds v. Sims, 377 U.S. at 555.

63. Defendant Allen's course of conduct also treats Plaintiff differently, on the basis of the identity of the candidate involved, from other similarly-situated Alabama primary candidates. Defendant Allen has, upon information and belief, applied the ministerial certification review provided by Ala. Code Sections 17-6-21 and 17-9-3 to reject candidates who fail to meet threshold statutory qualifications, but declines to apply that same review to a candidate whose sworn residency filings pleaded in Paragraphs 22 through 34 supra squarely raise a constitutional disqualification. That differential treatment fails rational-basis review, and cannot survive the strict scrutiny that applies in the fundamental-rights and suspect-classification context of ballot access.

64. Plaintiff has no adequate remedy at law and will suffer irreparable injury in the absence of the requested declaratory and injunctive relief.

COUNT III

42 U.S.C. Section 1983 - First and Fourteenth Amendments - Severe Burden on Voter Associational Rights under Anderson v. Celebrezze and Burdick v. Takushi (All Defendants)

65. Plaintiff incorporates by reference Paragraphs 1 through 64 as though fully set forth herein.

66. The First Amendment, as incorporated against the states through the Fourteenth Amendment, protects the associational rights of voters to select the standard-bearer who best represents their political views. Kusper v. Pontikes, 414 U.S. 51, 56-58 (1973); Anderson v. Celebrezze, 460 U.S. 780, 788-89 (1983). State restrictions on ballot access and candidacy are evaluated under the flexible balancing framework articulated in Anderson and refined in

Burdick v. Takushi, 504 U.S. 428, 434 (1992), and applied in this Circuit in Common Cause/Georgia v. Billups, 554 F.3d 1340, 1351-53 (11th Cir. 2009), and Jacobson v. Florida Secretary of State, 974 F.3d 1236, 1257 (11th Cir. 2020).

67. Defendants Alabama Republican Party and Scott Stadthagen, though nominally private, act under color of state law for purposes of 42 U.S.C. Section 1983 when they exercise the certification function assigned to them by the Alabama Election Code. Ala. Code Section 17-9-3 requires that the chairman and secretary of the state executive committee of a political party certify to the Secretary of State the name of each nominee selected in that party's primary, and Ala. Code Section 17-6-21 requires the Secretary of State to place on the general election ballot only those nominees so certified. The nomination and certification of a candidate for state office is thus a public electoral function that the State of Alabama has delegated to the political parties and that carries the imprimatur and coercive machinery of the State. Smith v. Allwright, 321 U.S. 649, 660-64 (1944); Terry v. Adams, 345 U.S. 461, 469-70 (1953); Marsh v. Alabama, 326 U.S. 501, 505-06 (1946). Defendants ALGOP and Stadthagen are, in the language of Terry, "an integral part" of Alabama's electoral process, and their acts in certifying or refusing to certify a nominee for placement on the general election ballot are state action fully subject to the First and Fourteenth Amendments and to Section 1983. The narrowing of the public-function doctrine effected by Manhattan Community Access Corp. v. Halleck, 587 U.S. 802 (2019) does not disturb this state-action conclusion. Halleck confined the public-function branch of state-action doctrine to activities that have been "traditionally and exclusively" performed by government, and specifically held that operating a public-access television channel did not qualify because that function had never been exclusively a governmental prerogative. Id. at 810-11. The certification of nominees for placement on a state-printed general election ballot is categorically

different. The conduct of primary elections for state office, and the certification of the resulting nominees to the Secretary of State for placement on the general election ballot, is a function that has been traditionally and exclusively performed by the government or by government-empowered instrumentalities. Smith v. Allwright, 321 U.S. at 660-64 (a state's delegation to a political party of the power to conduct a primary for state office does not convert that public function into a private one); Terry v. Adams, 345 U.S. at 469-70 (Black, J., plurality) (the electoral process by which state officers are chosen is a state function that a private group cannot insulate from constitutional review by wearing a private label). Halleck itself expressly preserved and reaffirmed Smith v. Allwright and Terry v. Adams as core public-function cases. 587 U.S. at 810-12. The Eleventh Circuit has repeatedly applied that traditional-and-exclusive framework to hold that private actors performing electoral or quasi-electoral state functions act under color of state law for purposes of Section 1983. Focus on the Family v. Pinellas Suncoast Transit Authority, 344 F.3d 1263, 1277-79 (11th Cir. 2003); National Broadcasting Co. v. Communications Workers of America, 860 F.2d 1022, 1026-27 (11th Cir. 1988). Independently, Defendants ALGOP and Stadthagen satisfy the joint-participation and entwinement branches of state-action doctrine, which Halleck also preserved. Brentwood Academy v. Tennessee Secondary School Athletic Association, 531 U.S. 288, 295-98 (2001) (pervasive entwinement between a nominally private entity and government converts the private entity's conduct into state action); Dennis v. Sparks, 449 U.S. 24, 27-28 (1980) (private parties who willfully participate in joint action with state officials act under color of state law). Here, the certification act commanded of Defendants ALGOP and Stadthagen by Ala. Code Section 17-9-3 is a mandatory statutory transmission to Defendant Allen, operative only because Ala. Code Section 17-6-21 makes Defendant Allen's ministerial ballot-placement duty pivot on the receipt of that

Certification of Nomination. The ALGOP-Stadthagen certification function and the Allen ballot-placement function are statutorily entwined into a single state electoral apparatus, and neither function can operate without the other. That statutory entwinement satisfies Brentwood on its own terms.

68. Party autonomy is not a doctrine of party impunity. The party-autonomy line of authority represented by Democratic Party of United States v. Wisconsin ex rel. La Follette, 450 U.S. 107, 122 (1981), Cousins v. Wigoda, 419 U.S. 477, 487-89 (1975), and Eu v. San Francisco County Democratic Central Committee, 489 U.S. 214, 224 (1989), protects the internal candidate-selection processes of political parties against state interference. That doctrine is not implicated here. The Alabama Republican Party already conducted its internal candidate-selection process on May 19, 2026, when approximately 493,000 Republican primary voters cast ballots and expressed an order of preference in which Defendant Tuberville finished first and Plaintiff McFeeters finished second. The associational rights at issue in this action are the associational rights of that primary electorate, not the associational rights of the ALGOP State Executive Committee. The runner-up succession theory pleaded herein enforces the primary electorate's expressed choice against subsequent State-Executive-Committee action that would nullify it, and therefore vindicates rather than displaces the party's own internal candidate-selection process. Independently, Defendants Alabama Republican Party and Stadthagen exercised the very candidate-qualification and adjudicative discretion they now would invoke under La Follette and Eu when they convened, presided over, and closed the June 14, 2026 evidentiary hearing described in Paragraphs 35 through 43 above. Having chosen to exercise that discretion in a hearing that violated the federal Procedural Due Process guarantees pleaded in Count IV, Defendants ALGOP and Stadthagen are estopped from invoking party autonomy as

a shield against federal review of the resulting substitution decision. Party autonomy is not, and has never been, a doctrine of party impunity.

69. When a state or state-empowered actor imposes a severe burden on the associational rights of voters, the challenged rule must be narrowly tailored to serve a compelling state interest. Anderson, 460 U.S. at 789; Burdick, 504 U.S. at 434. Even a moderate burden must be justified by important regulatory interests, and the state's proffered justification must be adequate under a sliding-scale analysis.

70. The associational rights of the approximately 493,000 Alabama Republican primary voters who cast ballots on May 19, 2026 are severely burdened by Defendants' course of conduct in two distinct ways.

71. First, the certification, or threatened certification, by Defendants ALGOP, Stadthagen, and Allen of a candidate for Governor of Alabama who is constitutionally ineligible under Ala. Const. Art. V, Section 117 constitutes a severe burden on the associational rights of the primary electorate. The primary electorate's chosen apparent nominee is legally incapable of holding the office for which he was nominated. The Alabama Republican Party's failure to substitute a constitutionally eligible candidate would deprive the primary electorate of any candidate on the general election ballot who lawfully represents the party.

72. Second, if the constitutional ineligibility of Defendant Tuberville is declared after the completion of the May 19, 2026 primary, whether before or after the August 19, 2026 substitution deadline under Ala. Code Section 17-13-23 but before the ballot for the November 3, 2026 General Election has been printed and distributed, and if Defendants Alabama Republican Party and Stadthagen were then permitted to bypass the runner-up who received the second-highest vote total from those approximately 493,000 primary voters and to install a

candidate who did not participate in the primary or who received fewer votes than the runner-up, that action would severely burden the associational rights of the primary electorate by nullifying the primary electorate's expressed order of preference, and would independently compound the antecedent constitutional violations pleaded in Paragraph 44 above and in Paragraphs 35 through 43. It would replace the democratic choice of the primary electorate with the closed choice of a committee whose antecedent constitutional violations are the very subject of this action, or, worse, with the choice of no one and a forfeited general-election line. That severe burden must be evaluated under the strict-scrutiny prong of the Anderson-Burdick framework, and applies with equal force whether the ineligibility declaration is entered on or before August 19, 2026, or thereafter.

73. No compelling state interest supports either burden. The State of Alabama has no legitimate interest in the certification of a constitutionally ineligible candidate. The State of Alabama has no legitimate interest in the nullification of the associational choice of the primary electorate. And the State of Alabama has no legitimate interest whatsoever in permitting Defendants Alabama Republican Party and Stadthagen to invoke the discretionary substitution power reserved under Ala. Code Section 17-13-23 to compound the antecedent federal constitutional violations pleaded in Paragraph 44 above and in Paragraphs 35 through 43. Any state interest a party defendant may assert in the exercise of Section 17-13-23 substitution discretion is, on the pleaded facts, itself the product of that party defendant's own antecedent constitutional violation, and is entitled to no weight in the Anderson-Burdick balance. Anderson v. Celebrezze, 460 U.S. 780, 786 n.7 (1983) (constitutional challenges to specific provisions of a State's election laws are not resolved by any litmus-paper test, and the federal court must weigh the character and magnitude of the burden against the interest the State contends justifies the

burden). Independently, and as descriptive background only, the Alabama Legislature has itself expressed, in Ala. Code Section 17-13-19, its considered policy that when a top-two primary contest cannot proceed because one of the two top finishers cannot or will not proceed, the runner-up succeeds and the party is stripped of discretion. Although Section 17-13-19 by its terms addresses only the specific situation in which one of the top-two candidates in a first primary declines to enter a runoff, and Plaintiff does not ask this Court to extend that statute by construction, the legislative choice reflected in Section 17-13-19 confirms that runner-up succession is the outcome Alabama itself has selected in the closest analogous top-two primary context.

74. Consistent with the federal equitable-remedy authority conferred by 42 U.S.C. Section 1983 and described in the FEDERAL AUTHORITY AND EQUITABLE REMEDY UNDER SECTION 1983 paragraph above, Plaintiff requests that this Court remedy the antecedent constitutional violations pleaded in Paragraph 44 above and in Paragraphs 35 through 43 by ordering certification of the runner-up in the May 19, 2026 Alabama Republican Primary Election, Plaintiff Ken McFeeters, as the Alabama Republican Party nominee for the office of Governor for placement on the November 3, 2026 General Election ballot. That remedy is the simplest available on the pleaded facts: it requires no further judicial interpretation of any Alabama statute; it requires no prediction by this Court of how the Alabama Supreme Court would construe Ala. Code Section 17-13-23; it does not compound the antecedent constitutional violations by permitting the state actors who committed them to now exercise the same discretionary substitution power; it does not disenfranchise the approximately 493,000 Republican primary voters as the direct consequence of that same constitutional violation; and it preserves the fairness of the perception of the remedy at final ruling by leaving the electoral

choice with the primary electorate rather than with the state actor whose constitutional violation is the subject of this action. This Court's equitable authority to enter that remedy applies whether the constitutional-ineligibility declaration is entered on or before August 19, 2026 or thereafter, and is measured by the September 19, 2026 UOCAVA 45-day ballot-transmission deadline and by the actual date on which the general-election ballot for the November 3, 2026 General Election is printed and distributed, both of which post-date the August 19, 2026 administrative substitution deadline. Storer v. Brown, 415 U.S. 724, 737 n.8 (1974); Moore v. Ogilvie; 394 U.S. 814, 816 (1969); Norman v. Reed, 502 U.S. 279, 287-88 (1992).

75. Plaintiff has no adequate remedy at law and will suffer irreparable injury in the absence of the requested declaratory and injunctive relief.

COUNT IV

Federal Declaratory Judgment under 28 U.S.C. Sections 2201 and 2202 (All Defendants)

76. Plaintiff incorporates by reference Paragraphs 1 through 75 as though fully set forth herein.

77. An actual, justiciable, and ripe controversy exists between Plaintiff and each of the Defendants, within the meaning of 28 U.S.C. Section 2201 and Article III of the United States Constitution, regarding (a) Defendant Tuberville's constitutional eligibility to hold the office of Governor of Alabama under Ala. Const. Art. V, Section 117; (b) Defendant Allen's ministerial duty to certify only eligible candidates to the November 3, 2026 General Election ballot; (c) whether Defendants Alabama Republican Party and Stadthagen have forfeited, through the antecedent federal constitutional violations pleaded in Paragraph 44 above and in Paragraphs 35 through 43, the ability now to invoke the discretionary substitution power reserved under Ala.

Code Section 17-13-23 to select a replacement candidate; and (d) whether the equitable remedy required by 42 U.S.C. Section 1983 on the pleaded facts is certification of the runner-up in the May 19, 2026 Alabama Republican Primary Election, Plaintiff Ken McFeeters, as the Alabama Republican Party nominee for the office of Governor.

78. Plaintiff is entitled to a declaratory judgment resolving each of the foregoing controversies in the terms set forth in the Prayer for Relief below.

78A. SEVERABILITY OF REQUESTED RELIEF. Plaintiff expressly pleads that the relief requested in the Prayer for Relief is severable. Plaintiff's primary request is that this Court grant declaratory relief on Counts I through IV in the form set forth in Paragraphs A, A-1, B, and C of the Prayer, together with the injunctive relief set forth in Paragraphs D and E of the Prayer. Should this Court, however, grant declaratory relief on Counts I, II, III, and IV as to Defendant Tuberville's constitutional ineligibility under Article V, Section 117 of the Alabama Constitution but decline to reach the Section 1983 equitable-remedy conclusion set forth in Paragraph C of the Prayer, Plaintiff alternatively requests, and this Court retains authority to grant, the following severable relief: (i) an injunction under Paragraph D of the Prayer against Defendant Allen from certifying Defendant Tuberville for placement on the November 3, 2026 General Election ballot; and (ii) an injunction under Paragraph E of the Prayer against Defendants Alabama Republican Party and Stadthagen from transmitting to Defendant Allen any Certification of Nomination that names any person other than Plaintiff Ken McFeeters, given that Plaintiff has pleaded and can prove (a) that Defendants Alabama Republican Party and Stadthagen have forfeited, through the antecedent federal constitutional violations pleaded in Paragraph 44 above and in Paragraphs 35 through 43, the ability now to invoke the discretionary substitution power reserved under Ala. Code Section 17-13-23; (b) that no bylaw

substitution method reserved by the Alabama Republican Party under Section 17-13-23 can lawfully be convened and completed before or reasonably after the August 19, 2026 statutory substitution deadline; and (c) that no alternative primary participant satisfies each of the four criteria pleaded in Paragraph 46 above. In the further alternative, should this Court decline to reach both the equitable-remedy conclusion in Paragraph C of the Prayer and the runner-up-succeeds injunction in Paragraph E of the Prayer, Plaintiff requests declaratory relief on Counts I through IV as to Defendant Tuberville's constitutional ineligibility and injunctive relief under Paragraph D of the Prayer against Defendant Allen alone, with the operational consequence that Defendant Tuberville shall not appear on the November 3, 2026 General Election ballot.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that this Honorable Court enter judgment in his favor and against each of the Defendants, and grant the following relief:

A. Declare that the certification, or threatened certification, of Defendant Tuberville by Defendants ALGOP, Stadthagen, and Allen for placement on the November 3, 2026 General Election ballot violates the Due Process Clause of the Fourteenth Amendment, the Equal Protection Clause of the Fourteenth Amendment, and the associational rights protected by the First and Fourteenth Amendments under the Anderson-Burdick framework;

A-1. Declare that the June 14, 2026 ALGOP residency-contest hearing described in Paragraphs 35 through 43 above was procedurally infirm and cannot be invoked by Defendants Alabama Republican Party or Stadthagen as a shield against the associational-rights and Section 1983 equitable-remedy relief sought under Counts III and IV, including because it was convened at the private offices of counsel affiliated with Defendant Tuberville's counsel of record, denied

Plaintiff the subpoena, deposition, interrogatory, and document-request rights guaranteed by ALGOP Contest Rules Sections 10, 11, and 12, was closed to the public and to the media with a gag order and protective order imposed on all participants, and was presided over by an officer who simultaneously served as Chairman, Hearing Officer, and prospective substitution authority under Ala. Code Section 17-13-23;

B. Declare that Defendants Alabama Republican Party and Scott Stadthagen, through the antecedent federal constitutional violations described in Paragraph 44 above and in Paragraphs 35 through 43 above, cannot now be permitted to invoke the discretionary substitution power reserved under Ala. Code Section 17-13-23 to select a replacement candidate for the office of Governor of Alabama for the November 3, 2026 General Election, because permitting them now to do so would compound the very constitutional violations that are the subject of this action; and declare further, as descriptive background, that Ala. Code Section 17-13-19 expresses the Alabama Legislature's own considered policy that when a top-two primary contest cannot proceed by reason of the withdrawal or disqualification of one of the two top finishers, the runner-up succeeds to the nomination and party discretion is foreclosed;

C. Declare that the equitable remedy required by 42 U.S.C. Section 1983 on the facts pleaded herein, in the event of a vacancy in nomination created by the disqualification of the certified primary winner, whether that disqualification is declared on or before the August 19, 2026 statutory substitution deadline or thereafter but before the ballot for the November 3, 2026 General Election has been printed and distributed, is certification of the runner-up in the May 19, 2026 Alabama Republican Primary Election, Plaintiff Ken McFeeters, as the Alabama Republican Party nominee for the office of Governor, for the reasons that certification of the runner-up (i) is the simplest available remedy on the pleaded facts, (ii) requires no further

judicial interpretation of any Alabama statute by this Court, (iii) does not compound the antecedent federal constitutional violations pleaded in Paragraph 44 above and in Paragraphs 35 through 43 by permitting the state actors who committed them now to exercise the same discretionary substitution power, (iv) does not disenfranchise the approximately 493,000 Republican primary voters as the direct consequence of that same constitutional violation, and (v) preserves the fairness of the perception of the remedy at final ruling by leaving the electoral choice with the May 19, 2026 primary electorate;

D. Preliminarily and permanently enjoin Defendant Wesley Harrison Allen, in his official capacity as Secretary of State of Alabama, and all persons acting in concert with him, from certifying Defendant Tuberville as the Alabama Republican Party nominee for Governor for the November 3, 2026 General Election, from placing Defendant Tuberville's name on the November 3, 2026 General Election ballot, and from accepting any Certification of Nomination from Defendants ALGOP or Stadthagen that is inconsistent with the declarations entered under Paragraphs A through C above;

E. Preliminarily and permanently enjoin Defendants Alabama Republican Party and Scott Stadthagen, in his official capacity as ALGOP Chairman, and all persons acting in concert with them, from transmitting to Defendant Allen any Certification of Nomination for the office of Governor of Alabama that names any person other than Plaintiff Ken McFeeters, in light of (i) the antecedent federal constitutional violations pleaded in Paragraph 44 above and in Paragraphs 35 through 43, which foreclose those Defendants from now exercising the discretionary substitution power reserved under Ala. Code Section 17-13-23; (ii) the August 19, 2026 statutory substitution deadline established by Ala. Code Section 17-13-23; (iii) the absence of any bylaw method reserved by the Alabama Republican Party under Ala. Code Section 17-13-23

that can lawfully be convened and completed before or reasonably after August 19, 2026; (iv) the Alabama Legislature's own descriptive expression in Ala. Code Section 17-13-19 that the runner-up succeeds where a top-two primary contest cannot proceed; (v) the associational rights of the approximately 493,000 voters of the May 19, 2026 Alabama Republican Primary Election, of which Plaintiff Ken McFeeters is the highest vote-getter remaining eligible under Article V, Section 117 of the Alabama Constitution; (vi) the equitable-remedy declaration entered under Paragraph C above; and (vii) the absence of any alternative primary participant identified or capable of being identified by Defendants ALGOP or Stadthagen who satisfies each of the four criteria pleaded in Paragraph 46 above, namely (a) having received votes in the May 19, 2026 Alabama Republican Primary Election for the office of Governor, (b) being constitutionally eligible under Ala. Const. Art. V, Section 117, (c) having agreed to be certified as the Republican nominee for the November 3, 2026 General Election, and (d) being capable of certification to Defendant Allen within the August 19, 2026 substitution deadline established by Ala. Code Section 17-13-23, or, in the alternative, within any post-August 19 window during which the ballot for the November 3, 2026 General Election has not yet been printed and distributed;

F. Award Plaintiff his reasonable attorney fees, litigation expenses, and costs of court pursuant to 42 U.S.C. Section 1988 as against Defendant Allen, Defendant ALGOP, and Defendant Stadthagen to the extent authorized by law;

G. Grant such other and further relief, whether at law or in equity, as this Court deems just, proper, and necessary.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues so triable, pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated: August 13, 2026

Respectfully submitted,

__/s/ Ken McFeeters

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VERIFICATION

I, Ken McFeeters, am the Plaintiff in this action. I have read the foregoing Verified Complaint for Declaratory Judgment and Injunctive Relief Under 42 U.S.C. Section 1983 and the First and Fourteenth Amendments to the United States Constitution. I know the contents thereof. The factual allegations set forth in Paragraphs 1 through 78 of the Complaint are true and correct to the best of my knowledge, information, and belief. Documentary citations to Lee County, Alabama; Walton County, Florida; Georgia Secretary of State; Florida Department of State; Florida Department of Highway Safety and Motor Vehicles; Alabama Department of Revenue; and Alabama Secretary of State are made on the basis of personal review of the referenced public records or authenticated copies thereof.

I declare under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. Section 1746, that the foregoing is true and correct.

Executed this 13th day of August, 2026.

__/s/ Ken McFeeters_____

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OPTIONAL NOTARY ACKNOWLEDGMENT

The foregoing Verification is executed under penalty of perjury pursuant to 28 U.S.C. Section 1746 and requires no further sworn acknowledgment for filing in federal court. The following block is provided solely to accommodate any clerk who may request contemporaneous notarial acknowledgment as a matter of local practice.

STATE OF ALABAMA
COUNTY OF JEFFERSON

Sworn to and subscribed before me this _____ day of _____, 2026, by Ken McFeeters, who is personally known to me or who has produced _____ as identification.

_____
Notary Public, State of Alabama
Print Name: _____
My Commission Expires: _____
Notary Seal: